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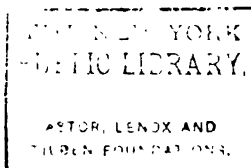






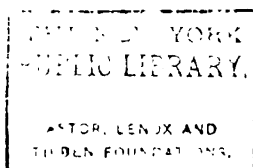
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*Saml. S. Cox*

# EIGHT YEARS IN CONGRESS,

FROM

1857—1865.

## MEMOIR AND SPEECHES.

BY

SAMUEL S. COX.

NEW YORK

"It is advisable to exceed in lenity rather than in severity; to banish but few rather than many; and to leave them their estates, instead of making a vast number of confiscations. Under pretence of avenging the republic's cause, the avengers would establish tyranny. The business is not to destroy the rebel, but the rebellion. They ought to return as quickly as possible into the usual track of government, in which every one is protected by the laws, and no one injured."—*Montesquieu*.

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TO  
MY CONSTITUENTS IN OHIO,  
BY WHOSE REQUEST THIS VOLUME IS PREPARED,  
*It is Inscribed,*  
AS A TOKEN OF ESTEEM AND GRATITUDE.

---

IN penning this inscription, from a distant city, aloof from old associations, and devoted to new pursuits, memories of you throng, cheer, and sweeten my thoughts. Not only do I recall the kindly courtesies and personal attachments at your firesides and meetings, but the unwavering trust you reposed, from the first effort which I made against sectionalism to the present time, when the consequences of that sectionalism, so sanguinary and terrible, yet remain. I represented you truly, when I warned and worked from 1856 to 1860 against the passionate zealotry of north and south; when I denounced, in and out of Congress, the bad fallacy and worse conduct of the secessionists; when I voted to avert the impending war by every measure of adjustment; and when after war came, by my votes for money and men, I aided the Administration in maintaining the Federal authority over the insurgent States.

Sustained by you, I supported every measure which was constitutional and expedient, to crush rebellion. At the same time I have freely challenged the conduct of the Administration in the use of the means committed to it by a devoted people. Believing that a proper use of such means would bring peace and union, and believing in no peace as permanent unless it were wedded to the Union, in love and contentment, I have omitted no opportunity to forward these objects. This I have done in spite of threat and violence. For doing it your confidence has not been diminished, but increased.

I know that the popular heart for some years will love to dwell most upon the deeds of the war. The Doers will and perhaps should outshine the Talkers. Our defenders in the field will be elevated above those in the forum. Men are prone to admire the hero. When he has the solid elements of courage and virtue, added to the glitter of martial success, admiration becomes worship. Napoleon understands this. To aggrandize the great founder of his family, he makes the Cæsars create events, rather than events create Cæsars. But it is as true that the French Revolution was indebted to Rousseau for its seminal idea, as that its events developed the greatness of Buonaparte. The great captains of our war, McClellan, Grant, Sherman, Sheridan, Farragut, and Porter, whose names will shine most upon the historic roll, were but the blossoms of that growth of ideas, whose antagonism and elucidation have been the work of the Press, Pulpit, and Forum.

In the humble part I have taken in these discussions, I have never underrated the magnitude of the institutions involved and their underlying principles. Augustus Schlegel said of authorship that according to the spirit in which it has been pursued, it is an infamy or a virtue. So of politics. They constitute a great moral

and intellectual science. In its pursuit passions and interests should be subordinate to wisdom and truth. Acrimony should give place to charity if not to good humor. This is for the behoof of society, whose tranquillity depends far more upon the dominant thought than upon the successful sword.

I would not, if I could, perpetuate any of the conflicts illustrated in this collection. I have had my share of such conflicts. No ambition now actuates me save that I may be instrumental, through these pages, in mirroring the past eight years, with the clearness and fidelity of truth. Whatever my own views may have seemed to some, they are to be judged as you my constituents judged them, by their expression as here given, without partisan gloss or misrepresentation.

Notwithstanding this volume has been prepared for your kind eye, it is published with distrust; therefore I crave from you the same indulgence which you have always accorded.

SAMUEL S. COX.

NEW YORK CITY, *June 30, 1865.*





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# EIGHT YEARS IN CONGRESS.

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## I.

### A CONSTITUTIONAL OPPOSITION.

OUTSIDE of the "home circle" of constituents to whom this volume is inscribed, it may be read by those in search of the motives and principles which actuated a constitutional opposition in time of civil war. It was either the good or bad fortune of the writer to antagonize with the administration of his own party on the territorial questions from 1856 to 1860. But this may be overlooked by unfriendly critics. The time of war being the time of danger, the unreflecting and unphilosophical may wonder how such an opposition at such a period could consist with patriotism. Do they forget how England was saved from disgrace in the Crimean war by the onslaughts of the opposition led by the *London Times*? May not the Government be magnified by exposing the weakness of its administration? Is there not constant need of such criticism as will strengthen the Government while it condemns the policy of its imbecile or corrupt agents? Lest the very function should cease by the incapacity of the functionary, should we be less heedful how we undignify the office by undue contempt of the officer, than how we unduly dignify the officer at the expense of the office?

Hence, in all free countries an opposition is regarded as an element of the Constitution—an estate of the realm. It cannot be dispensed with without danger to Liberty. However great may be the obligation of the country to the soldier for his valiant right arm, it owes something to those who, regardless of the frowns of power or the allurements of patronage, maintained a steadfast front against the corruptions and tyrannies incident to war.

If I may quote from a letter addressed to me on the 22d of January,

1865, by the Hon. James Guthrie of Kentucky, in reference to the constitutional amendment abolishing slavery, I would recognize the truth, that "the rebellion has left deep scars on the Constitution of the United States, and those of the States; and if some are made on the road to re-union and the restoration of peace, with renewed confidence in freedom and justice, we must leave its apology to the evils and necessities of the times." Yet in recognizing this truth now, is it a reproach to a fearless representative that he was not an indifferent spectator while such scars were being made? His duty before the war, and *a fortiori* during its continuance, was to proclaim the perils to constitutional freedom and federal union involved in a violent conflict. The statue of Liberty was veiled again and again, during its progress. Nor has the cessation of hostilities fully restored the freedom of the citizen. It is the writer's pride, that he never failed to protest against the eclipse of Liberty by Power. Hence, what may have seemed to a superficial observer an unpatriotic opposition, was only and truly an opposition to the arbitrary proceedings with which the war was accompanied. Such an opposition was dictated by regard for the very object which the war sought to establish. Time will vindicate both the writer and others, who, while they maintained the war for the Union, did not permit their voices for personal and public liberty to be drowned in the clangor of arms. Those who contest encroachments incident to war, are never regarded in history as enemies, but as the truest devotees of well-regulated Liberty.

The key-note to these speeches, and all efforts made by their author in and out of Congress, was struck in the heat of a debate with a member from Indiana, Mr. Julian, on the 9th of April, 1864:—"Under no circumstances conceivable by the human mind, would I ever violate the Constitution for any purpose. To compass its destruction as a probable or possible necessity, is the very gospel of anarchy—the philosophy of dissolution." This was in reply to a Northern statesman, urging extra-constitutional means to suppress the rebellion. Almost the same language was used by the writer, to denounce the heresy of secession in the winter of 1860-'61.

In the perusal of these pages, no one will find any aid, by speech or vote, given to those who raised the standard of revolt. In his speech on "Conciliation and Nationality," the writer, while pleading for the spirit and measures of compromise, invoked at the same time that vigorous spirit of nationality, which could only exist with an un mutilated Union. He warned South Carolina, that in striving to be Augustus, her fate would be less than Augustulus. When the resolution was introduced thanking Gen. Anderson for his defence of Fort Sumter, the writer

gave it his heartiest vote. When eulogizing Judge Douglas, after his death, at the extra session of 1861, the writer regarded it as the consummate glory of Douglas's life to have given his most emphatic utterance for the maintenance of the Government, even though its administration was committed to his old political antagonist, and although he knew that such expression imperilled the lives of a hundred thousand of his friends.

Throughout the subsequent years of the war, the writer always voted for the support of the army. Without refining as to the power to coerce a State, or to enforce the laws of the United States against individuals, he found the war flagrant. He acted for its vigorous maintenance. Whether the war was simply to preserve the rights of the General Government, by repelling a direct and positive aggression upon its property or its officers; or whether it was, in fact, a war of general hostility, carried on by the central government against a State, was considered by some before the war as a momentous question. But after the war came, its red right hand made a new code. The enforcement of national supremacy overwhelmed all questions of State coercion.

Why was it not compatible to favor both war and peace, without a solecism in thought or language? When this war appeared as a speck on the horizon, I pleaded and voted for conciliation. I voted for every compromise, including that of Crittenden. I preferred the bonds of Love to the armor of Force. I found in the Sermon on the Mount a wisdom beyond that of Presidents or priests. I never went so far as Charles Sumner in his speech on the "True Grandeur of Nations," when he pronounced "all international war to be civil war, and the partakers in it to be traitors to God and enemies to man;" when he quoted Cicero to show that he "preferred the unjustest peace to the justest war;" and Franklin, to show that there "never was a good war or a bad peace;" or when Mr. Sumner declared "that in our age there can be no peace that is not honorable."—(*Sumner's Works*, vol. i., p. 11.) But I did and do hold that in our land it was wisest, kindest, and best to agree to any compromise which Crittenden framed, Douglas advocated, and to which Davis and Toombs acceded, which would have averted these horrible calamities. In thus believing, I sought to carry out the Democratic principle which Madison laid down before the late war of 1812—"that war was only and rarely tolerable as a necessary evil, to be kept off as long, and whenever it takes place, to be closed as soon as possible." When this civil war began, I voted for the Crittenden Resolution of July 22, 1861, that it was not to be waged in any spirit of oppression, nor for any purpose of conquest or subjugation, nor for the purpose of overthrowing or interfering with the rights or established institutions of the States, but to defend

and maintain the supremacy of the Constitution, and to preserve the Union, with all the dignity, equality, and rights of the several States unimpaired. I voted the money and men in the spirit of the President's Inaugural of March 4, 1861, when he declared that he had no purpose, directly or indirectly, to interfere with the institution of slavery in the States where it exists; "I have no lawful right to do so, and I have no inclination to do so."

It was in this spirit that on the 26th of July, 1861, I offered a resolution in Congress to make undiminished and increased exertions by our navy and army to maintain the Government, and that a commission be appointed, consisting of Millard Fillmore and others, to meet commissioners, not from the rebel Government, but from the seceded States, to aid in restoring by peaceful and honorable measures the old Union and the former condition of things. I defended my resolution when it was pressed against me by the opposition. I have not swerved a hair from it. I said in 1863: "I am as ready now to cancel confiscation and emancipation policies, and welcome Louisiana and North Carolina back to their old position, as I am to sustain our army in the field while a rebel army contests our authority on a foot of our soil."

The writer opposed many of the acts of the administration. He believed then, as now, that they tended to procrastinate peace. In this view he sympathized with such statesmen as Gov. Crittenden. That the war would not end without the destruction of slavery, he believed as firmly as that it was his duty to save as much as possible of the uncontested powers of the States over domestic matters. Mr. Stephens had warned the Georgia Convention, on the 14th of November, 1860, that "a vindictive decree of universal emancipation" would follow secession. So it did; but it was powerless compared with the military arm which had unshackled the slave before the edict came.

Peace has come. Slavery is gone. The constitutional amendment is not adopted; but its adoption is only a form, and a question of time. The part taken by the writer concerning that amendment is shown in this volume.

The country is greatly changed—politically, socially, materially, nationally. *Novus seculorum nascitur ordo*. What that new order may be, depends upon the adherence of President Johnson to his former principles. We have a census of more than thirty millions, scattered over a great area. We are what Mr. Disraeli called a Territorial Democracy. When the census becomes 60,000,000, or 100,000,000, the questions of municipal independence, State rights, and local self-government may come with more force than ever before. In the judgment of the writer, it is

only by adhering to the doctrines of decentralization, that the great diversity of interests in a union of such extent can be harmonized, and the questions of individual rights properly settled. These doctrines of local independence and self-government have been the inspiration of the words and acts here recorded. They have found expression all through these speeches. Without them, our Union will be forever endangered. With them, it will fulfil the hopes and prayers of all patriots. They furnish the key to unlock the magic chambers of our future. They are the safe and golden mean between the extremes of faction. As Tennyson has sung :

The wisdom of a thousand years  
Is in them. May perpetual youth  
Keep dry their light from tears,  
Make bright our days and light our dreams,  
Turning to scorn, with lips divine,  
The falsehood of extremes.

---

## II.

### CLASSIFICATION OF THE VOLUME.

The speeches are arranged in classes :

*First.*—Those connected with finance and tariff. The first speech is in defence of the economy of the Government, when only sixty-five millions per year was the appropriation. The last one is at a time when eight hundred millions per session were voted ! The speech on the tariff is the most elaborate of the collection. It is an exposition, by irrefragable data and arguments, of the robbery, under the present system, by the producer of the great bulk of the consumers. It is an earnest appeal to return to the principles of economic science and unrestricted interchange to which the civilization of the age has given body and spirit. The stupendous iniquity by which one set of States and one class of men are allowed gratuities from the unprotected States and classes, must soon be understood. Men of all parties will unite to correct this gigantic injustice. As Cobden and Peel joined hands, while Elliott sang and Villiers spoke, to give England the cheap loaf ; as at last that boon was wrested by an intelligent people from a landed monopoly ; so before 1868, agriculture and commerce, labor of all kinds, consumers of every degree, will join in a new *Bund*, to rescue famishing toil from fiscal tyranny. To this speech I challenge the scrutiny of every reflecting citizen.



*Second.*—Speeches which display the sedition and sectionalism of the North. The republication of such speeches may be reprehended now ; but truth compels their publication. No one can deny but that the South had grievances. Their error and crime consisted in mistaking—oh ! how woefully—their remedy.

From the beginning of the Government there have been sectional asperities growing out of sectional interests. These were happily reconciled, in their successive eras, by statesmanship. For more than a generation past these animosities have been aggravated by zealots in both sections. Political ambition, springing out of the rank soil of sectional hate, engendered by the heats of theologic strife, at last culminated in the open revolt of 1861. Not alone slavery, but questions involving provincial jealousy, representation and taxation, excise, assumption of State debts, assertion of State rights, commercial restrictions, the purchase or acquisition of territory, and the war of 1812, have from the beginning given to the slavery question additional fuel, and embroiled the States into an antagonism in which the sword leaped from the sheath. State comity and Christian feeling, at different eras of the controversy, alleviated its harshness and composed its rancor. But the conflict was declared irrepressible ; and irrepressibly it burst forth.

It would be a falsehood, if not a crime, to say that the blame for these animosities rested exclusively on one section. Not alone on the South, not alone on the North, but upon both sections, will history affix the stigma. *Iliacos intra muros peccatur et extra.*

Vattel says that no considerable insurrection or rebellion ever existed without some grievances as the cause. These grievances the South had. They committed the great crime of striking at the Federal centre, when their complaint was against States. Besides, their remedy was ample in the Union. Revolution can never be justified unless two things concur : *first*, the grievances must be great, and irremediable except by the sword ; and *secondly*, there must be a reasonable probability of success. The South had neither justification. For them to draw the sword, was to fall upon it.

From this class of speeches, it will be seen that the leaders of Southern revolt copied many of their pernicious heresies and worse practices from the seditionists of the North.

*Third.*—Connected with the above classification, incidentally discussed, was the question of fugitives from foreign lands and the right of asylum. The occasion was the action of the administration in the Arguelles case. I offered a resolution reprobating the violation of the right of asylum. It was shelved without allowing debate. There was only one opportunity

to debate it. That was in connection with the return of fugitives from justice and labor, in which the analogies were pointed out. This question was met by the usual fling: "Oh! you are defending the slave trade. You are the advocate of the enemy of our race." But time has shown that Arguelles was not what he has been charged with being; that General Dulce has been dismissed for his treatment of Arguelles; and that the precedent our nation made is a blot upon the diplomatic escutcheon of our country.

*Fourth.*—Speeches on Foreign Affairs. These are mostly in vindication of our traditional policy respecting this continent. They were made in 1859 and 1860. They contain words since made prophetic by the action of France, absolutely prophetic. They laid down a policy for the orderly and erect independence of Mexico; such a policy as would give us the commercial and other results of annexation, without its troubles and dangers. If the warnings I gave in 1860 had been heeded, Maximilian would now be at his palace in Miramar, overlooking the Adriatic, and Napoleon content with quoting the Koran to prove his Cæsarism divine for Arab as well as Frank. These speeches had the honor of Spanish and French translations, and considerable circulation in Spanish America as well as Europe. But, in anticipation of our own troubles, they attracted but little attention from our own citizens. Gen. Cass did me the favor to say that he would rest his policy, as Secretary of State, on the principles enunciated in them. That these principles are destined to play a large part in our future, is already "manifest." I will thank my constituents to re-read them in the light of the present time.

In connection with foreign affairs, I offered, on the 3d of March, 1862, a series of resolutions in relation to maritime law. They grew out of the Trent affair. In December, 1861, I had discussed the questions involved in the seizure of the *soi-disant* ambassadors of the South. I did not believe that a single principle had been violated in that seizure. I am a firm advocate of the Democracy of the Sea; I could not have spoken as I did, had I believed that it had been outraged in that case. I desired, however, that the most important international question of our age—the maritime rights of nations—should receive fresh impulse. I wished that impulse to be in the path of liberality. With a view to untrammelling commerce from the English system, I embodied, in the resolutions which I offered, the best sentiment of the progressive publicists of all time. With such ability as I could command, I urged the amelioration of the liabilities of neutrals and the assertion of the traditionary policy of America.

*Fifth.*—A eulogy upon Stephen A. Douglas. This species of oratory

has not been regarded hitherto as very successfully illustrated in our parliamentary annals. My relations with Judge Douglas ; his peculiar doctrines ; and his death, so inopportune, combined to give an interest to the theme which oratory failed to elicit. The American people have since done justice to Douglas. This eulogy will not be looked upon now as the emanation of a partial friend, but as a truthful analysis of a giant mind, energized into action by the throbbings of a great heart.

*Sixth.*—Speeches growing out of Secession and the War. These embrace earnest appeals to the North to tender, and the South to receive, a peaceful redress of grievances. They discard secession as an unconstitutional and revolutionary proceeding, unjustifiable and criminal, and elevate the principle of nationality to that eminence where the Constitution can ever shield it. They embrace a vindication of Gen. McClellan from the attack of the Congressional war critics ; the proper policy of conducting the war ; the errors of the fanatical and negro policies, with reference to emancipation and its results upon North and South, and upon whites and blacks ; the Conscription bill ; the Confiscation measures ; Puritanism in Politics ; Miscegenation ; and finally, the questions involved in the reconstruction of the Union and in the violation of personal liberty. In illustration of the speaker's views, I have introduced one short speech not made in Congress, upon the arrest of Mr. Vallandigham. It was made in May, 1863, a few days after the arrest. The sentiments of that speech, revived by the classic eloquence of Hon. Henry Winter Davis, have been endorsed by the House of Representatives at the end of the last session.

*Seventh.*—The amendment of the Constitution abolishing slavery, in which the speaker maintained the power to amend, but did not believe its exercise to be judicious at the time.

*Eighth.*—The final speech on the proposition to admit the Cabinet into Congress, in which the danger of aggrandizing power in the Federal Executive is considered.

It will be observed from this arrangement and classification, that the round of political discussion has been run by the speaker. In not one of the sentences of these speeches is there a syllable that breathes aught but love of country, respect for its Constitution, reverence for its founders, and prayerful aspirations for its permanent peace and prosperity.

### III.

#### KANSAS AND THE TERRITORIAL QUESTION.

THE writer was thrown into Congress by the reflux wave that followed the excitement growing out of the Kansas question. The Republican party had made the issue with Judge Douglas on his doctrine of sovereignty. A majority of the 35th Congress had been returned on the principle of *laissez faire* to the people of the Territories. The travail which gave birth to Kansas as a State, was the same agony prolonged which eventuated in civil strife. Had the Democratic party, then in power, united wisely to thrust aside the fraudulent constitution of Kansas made at Lecompton, there would have been no distraction in its ranks in 1860. The Charleston Convention would have agreed. Most probably no Republican success would have made memorable that year. Hence, in inquiring into the real, if not the proximate causes of the war and the alienation of the sections, we cannot ignore the questions as to Kansas. To be sure, Kansas was the occasion, rather than the cause of conflict. The slavery agitation was the paramount cause. There is something ineffably repugnant to the human heart in the relation of master and slave. The idea of one human being owning another human being would thrust itself forward in all these struggles, irrepressibly foremost. Whether in resistance to the constitutional authorities—as in the case of fugitives from justice and labor—or in the admission of new States, or in the organization of territories, the anti-slavery zealot, whether sincere or not, handled a weapon so tempered with seeming justice, so flashing, as it were, in defence of a higher than human law, and wreathed as with the “beauty of the lilies” by the lyric poetry of the time, that the sanctions of authority were as mere houses of cards before his blows. No wonder that with such an impulse the devotees of anti-slavery, in the language of one of their eloquent champions, “would rend the Union to destroy slavery, though hedged round by the triple bars of the national compact, and though thirty-three crowned sovereigns, with arms in their hands, stood around it.” The pro-slavery men of 1857 forgot the growing power of this sentiment, and the increasing power of the North to enforce it. They desperately struggled to force Kansas into the Union as a Slave State, by a stupendous fraud. In the reaction against its perpetration, a fresh agitation was aroused. This new agitation outlasted the interest in the case of Kansas. The whole country became a Kan-

sas. It absorbed all the energies of debate. The first speech made by me in Congress, and, as it was noted, the first made in the new hall of the House, on the 16th of December, 1857, was also the first speech against Lecompton by any one in the lower house of Congress. I remember taking it to Judge Douglas at his house on the Sunday preceding the discussion, to read him parts of it in manuscript. The *Globe* of that time will show the speech, and the attempt by Southern statesmen, Messrs. Bocoche, Quitman, Jones, and others, to cut me off from the debate. As a consequence of this speech, my friend the postmaster at Columbus lost his office, and I lost caste with the administration. I was content to wander for four years throughout the administration of President Buchanan—a Democrat who had helped his election, without influence to help a single friend.

As the interest in that discussion has subsided, I do not propose to reproduce these speeches. The points will appear from this extract :

I propose now to nail against the door, at the threshold of this Congress, my theses. When the proper time comes, I will defend them, whether from the assaults of political friend or foe. I would fain be silent, sir, here and now. But silence, which is said to be as "harmless as a rose's breath," may be as perilous as the pestilence. This peril comes from the attempt to forego the capital principle of Democratic policy, which I think has been done by the constitutional convention of Kansas. I maintain :—1. That the highest refinement and greatest utility of Democratic policy—the genius of our institutions—is the right of self-government. 2. That this self-government means the will of the majority, legally expressed. 3. That this self-government and majority rule were sacredly guaranteed in the organic act of Kansas. 4. That it was guaranteed upon the question of slavery in terms ; and generally with respect to all the domestic institutions of the people. 5. That domestic institutions mean all which are local, not national—State, not Federal. It means that and that only—that always. 6. That the people were to be left perfectly free to establish or abolish slavery, as well as to form and regulate their other institutions. 7. That the doctrine was recognized in every part of the Confederacy by the Democracy ; fixed in their national platform ; asserted by their speakers and presses ; reiterated by their candidates ; incorporated in messages and instructions ; and formed the feature which distinguished the Democracy from its opponents, who maintained the doctrine of congressional intervention. 8. The Lecompton constitution, while it is asserted that it is submitted to the people in the essential point, thus recognizing an obligation to submit it in some mode, cannot, in any event, be rejected by the people of Kansas. The vote must be for its approval, whether the voter votes one way or another. The people may be unwilling to take either of the propositions, and yet must vote one or the other of them. They have to vote "constitution with slavery," or "constitution with no slavery ;" but the constitution they must take.

These were the points elaborated in that discussion. Differing with Mr. Buchanan, I was constrained afterwards to differ with Judge Douglas on the Compromise bill reported by a Committee of Conference. I voted for the latter on the ground that it returned for a fair election the fraudulent constitution to the people, and that there were people enough for a State in Kansas. I was fully justified by the subsequent action of the people under that bill. Subsequently I voted to receive the free State of Kansas; and after justifying my former vote, scarcely exaggerated the campaign I had undergone, when I said that—

For voting for this Conference bill, even after I was justified by the popular vote of Kansas in the summer of 1858, I was compelled to meet from Republicans at home a campaign unexampled for its unprovoked fierceness, its base and baseless charges of personal corruption, its conceit, its ignorance, its impudence, its poltroonery, its billingsgate, its brutality, its moneyed corruption, its fanatical folly, its unflagging slang, its drunken saturnalia, and its unblushing libels and pious hypocrisy! At the capital of Ohio, in its most noble and intelligent precincts, the people, ashamed of and indignant at the audacious falsehood and brazen clamor from the presses of the State, and from the little penny-a-liners and pettifoggers, who echoed the libels of members fresh from this floor—in spite of all this the people doubled my majority of 1856. I had the satisfaction—prouder than a temporary victory—of seeing the policy I had voted for with earnest conviction of duty, and with the sustaining advice of such a statesman as Robert J. Walker, vindicated by time, and sustained by its practical operation. As the crowning act of this triumph, I shall vote for the admission of Kansas under this constitution. In doing this, I court all criticism, defy all menace, and truly represent almost every man, woman, and child in my district.

Inasmuch as my vote for the Conference bill was greatly impugned and as it seemed to be a departure from the original position of Judge Douglas, I was solicitous to have the Judge explain our relations to this question. This he did during the campaign of 1860. On the 20th of September he spoke to an immense meeting at Columbus, Ohio, in which he thus explained the differences between himself and other Democrats:

“I made the first speech in the Senate against the Lecompton Constitution, and without consulting Mr. Cox or any one else, and Mr. Cox made the first speech against it in the House, without consultation or dictation from me. We fought it through on our own responsibility until Lecompton was dead; and when Lecompton was defeated, its friends got up the English bill to cover its retreat. Hon. Robert J. Walker, then Governor of Kansas, advised Mr. Cox and myself to go for it, giving assurance that when presented to the people of Kansas, they would kill it, ten to one. Under these circumstances, some of our men felt it their duty

to go for the bill. I did not think it a fair submission to the will of the people, and determined to fight it too. Mr. Cox said he had consulted the members of the Ohio delegation, that they all agreed to vote for it, and that under the circumstances he should vote with them. I told him I had no quarrel with those of my friends who differed with me honestly on that point, and afterwards I wrote letters in favor of the election of some of those who had voted for the English bill. The Judge concluded by urging his friends in the District to nail the slander by reëlecting Mr. Cox."

Had Judge Douglas yielded his resolution on this subject, and voted for the Conference bill, the territorial question would not have been mooted at Charleston, with so marked a personal application. His nomination would have been made without division. For a time, at least, secession would have been prevented, and war averted. The political battles of 1860 were fought on the question of slavery in the territories. The election of Mr. Lincoln, which took place in November, 1860, not only settled the question against the South, but against the friends and doctrine of Judge Douglas. Congress met in December following; then arose for desperate debate all the varied questions involving human servitude. It was to the composition of these questions that the good men of that time addressed themselves. That Congress was one of marked ability. The South especially was ably represented. The hidden facts, the inner life, the scenes and incidents which never appear on public record, and seldom appear even in the newspaper, when they shall transpire will give to that Congress the graphic interest of a battle picture. Out of its discussions, devices, and seditions, arose the bloody spectre of war! It is my hope in the following pages to illustrate some of these incidents and scenes. I do not design to reproduce the public record; that is done. Nor do I expect to change men's minds as to the merit or demerit of its men and measures. But there is much of interest as yet unwritten clinging to the actors in that drama—a drama whose last act has had its tragical dénouement in the assassination of a kind Chief Magistrate, whose pall, like that of the last day, still hangs over our newly-resurrected nation.

## XXXVI. CONGRESS—SESSION 1860-'61.

### ITS MEMBERS—THEIR CHARACTERISTICS, OPINIONS, AND VOTES—THE CRIT- TENDEN AND OTHER COMPROMISES.

It was my intention, in this volume, to have prefixed to the speeches such recollections connected with the rise and progress of our civil war as would illustrate its motive and life. Especially did I intend to sketch those inner political facts and scenes which my position enabled me to observe. But the volume would be too much enlarged by their elaboration. It would require a volume by itself to connect with the recorded facts such a memorabilia. Their recital would give personal interest and piquancy to these historic events; but that labor must be reserved. It would scarcely be kind, now that the leaders of the rebellion are under the ban, and many of them incarcerated, to add any thing to the reprobation which they have received, or to the fetters which weigh them down. Is it Ossian, or some other writer (the sentiment hardly belongs to our own times), who says that while we should be a tide of many streams against the enemies of our country, we should be as a zephyr upon the grass toward a fallen foe? I would emulate that Christian philosophy, not only in writing but in acting. While recalling much that occurred during the winter of 1860-'61, it would be generous now only to record the inclinations and efforts of those under condemnation who then endeavored to stay the madness of secession.

One thing is remarkable as connected with that Congress. For weeks, nay months, the Southern leaders in the Senate and House openly proclaimed their doctrine of secession, argued the abstract and practical questions connected with such movements, with great formality and solemnity, presented their ordinances of secession, and under their sanctions withdrew. This was done in the presence of excited and awe-struck audiences. It was done with all the graces of impassioned and polished eloquence.



Terribly beautiful the serpent lay,  
Wreathed like a coronet of gold and jewels.

It was done, without that protest from any one of the Republican members which their present temper would seem to have required. One by one the States thus became unrepresented; and not a word, except sometimes debate on the abstract right to secede, or tacit acknowledgment that it was best for the time. No attempt was made to arrest any one, if we may except an affidavit by some person of no consequence, and whose name cannot now be recalled, on the basis of which he vainly urged an arrest of DAVIS and others for treason. Even so prominent a Republican as Lieut-Governor STANTON, of Ohio, to say nothing of his namesake the Secretary of War, Mr. GREELEY, and Mr. CHASE, abetted this movement by proposing no constraint upon the departing sisters.

These facts, as the forerunners of the mighty conflict of arms, would be inexplicable did we not remember that from December, 1860, until March, 1861, there was a hope, as DOUGLAS and CRITTENDEN telegraphed to Georgia, that "the rights of the South and of every State and section would be protected in the Union."

The first efforts at compromise were by no means confined to the Democratic Senators and members. Gov. CORWIN, Mr. ADAMS, Mr. EDWARD JOY MORRIS, and others in the House; Senators CAMERON, BAKER, DIXON, FOSTER, COLLAMER, and others in the Senate, were, at the beginning of the session, and for some time afterwards, regarded as not indifferent to a compromise which would at least retain the border States, if it did not stop the movement of the Gulf States.

The thirty-sixth Congress was unusually gifted. Especially were the Southern States represented by their most experienced and able men. They hoped that the step they were about to take would be bloodless; that their array in strength, and with the mien of resistance, would prevent coercion by arms. Even so late as the secession of Texas, after Judge Reagan, one of its representatives, had left his seat, he took pains to inform me, that he thought the South would be out only for a season, and that when the excitement subsided, and especially if any guarantees were given of the protection of their rights, they would return. In this, how signally ability and experience failed to discern the future! Man-kind generally reckon the greatness of men by success. If this be the touchstone, the vaunted statesmanship of the South vanishes. But what a company of conspicuous names answered to the roll-call on the 6th of December, 1860!

At the head stands JOHN C. BRECKENRIDGE, offering his name, so proudly connected with the history of Kentucky, to the task of dismember-

ing the Democratic party, which had once so honored him. He was among the last to leave his home to take the sword for the South. Now he is a fugitive upon English soil, pleading with his stricken confederates to do the best by submission to Federal rule. Foremost in influence, if not in rank, is JEFFERSON DAVIS; how then unlike that DAVIS who, in Maine, but a few years before, had spoken nobly for the Union; and how unlike that DAVIS, the captive of the Michigan cavalry, and the prisoner at Fortress Monroe! His State was not among the foremost to secede. She waited until the 9th of January, 1861, before passing her ordinance, and her Senators lingered until the 21st before they withdrew. It is generally credited among those who were familiar with Mr. DAVIS's inclinations, that even after the ordinance passed he was anxious to remain. There is indubitable evidence that while in the Committee of Thirteen he was willing to accept the compromise of Mr. CRITTENDEN, and recede from secession. That compromise failed; because, as Senator HALE said, on the 18th of December, 1860, the day it was introduced, it was determined the controversy should not be settled in Congress. When it failed, the hero of Buena Vista became the Confederate leader. Much as he is underrated now by Southern men who opposed him during the war, he was fitted to be the leader of just such a revolt. Every revolution has a fabulous or actual hero conformable to the local situation, manners, and character of the people who rise. To a rustic people like the Swiss, William Tell, with his cross-bow and the apple; to an aspiring race like the Americans, WASHINGTON, with his sword and the law, are, as Lamartine once said, the symbols standing erect at the cradles of these two distinct Liberties! JEFFERSON DAVIS, haughty, self-willed, and persistent, full of martial ardor and defiant eloquence, is the symbol, both in his character and in his present situation, of the proud and impulsive, but suppressed ardors and hopes of the Southern mind. His colleague in the Senate, Gov. BROWN, was, according to my recollection, still more reluctant to sever the connection. He was, even before the Charleston Convention, if not openly, covertly a co-worker with DOUGLAS and others in striving to preserve the unity of the Democratic party and the country. Gov. BROWN has been a member of the Confederate Congress, and has been outspoken in his criticism on the conduct of the Confederate authorities. I doubt if he had much heart or faith in the secession movement. He was overshadowed as a Senator by Mr. DAVIS; but was far more approachable, and perhaps more kind, in his relations towards other members. The most truculent Senator from the South was WIGFALL, of Texas, a man of scarred face and fierce aspect, but with rare gifts of oratory; bitter at times, if not classical, in his denunciations. But much of his strong talk

and eccentric conduct was owing to that indulgence which the "Hole in the Wall" furnished for Congressional wrangle. Col. WIGFALL was a master drinker. Had he lived among the ancient Persians, he would have been in high esteem. Darius Hystaspes, among his other virtues, had it recorded on his tombstone, as WIGFALL might truthfully upon his: "Here lies a man, than whom no one could hold a greater quantity of liquor!"

Next to him in truculency, though not in sociality, was Senator IVERSON, of Georgia. He was outspoken and bold or the sudden disruption of the Union. The colleague of the latter, Mr. TOOMBS, was far more amenable to reason than his rough manner and boisterous logic indicated. He was a man of commanding person, reminding one, at times, of MIRABEAU. Bating his broad Africanese dialect, he was often intensely eloquent in the epigrammatic force of his expression. The Virginia Senators rank among the foremost in this movement. Much was expected from the moderation of Mr. HUNTER, but he did little to stay the Revolution. Little was expected of Mr. MASON, and he did less. The former was a calm, phlegmatic reasoner; the latter had a defiant, supercilious, and autocratic demeanor, that conciliated no one. Both were imbued with the heresies of the ultra CALHOUN School. Louisiana was represented by the malicious and unscrupulous SLIDELL, who combined the fox with the tiger. His savage and sneering threat to destroy the commerce of the North by privateers, I heard. As he delivered it, his manner reminded me of Mephistopheles in one of his humors over some choice anticipated deviltry. But who shall picture the sleek, plausible, and silver-tongued JUDAH P. BENJAMIN? His farewell speech was as full of historic garbling and untruth as of musical and regretful cadences. As he bade adieu to the old Union, he drew from the spectators many plaudits for his rhetoric, which he could not evoke for his logic. Next to him, in the suavity of his manner, if not in the cogency of his speech, was Judge CLAY, of Alabama. He is now in prison, having voluntarily surrendered. He had a bearing that was both dignified and graceful; and although never very hale in health, was too ready to assume his rôle in the daring drama. The other Senator from Alabama, Gov. FITZPATRICK, an honest miller and planter at home, was a model of senatorial frankness. I have not seen his name mentioned since the war. He was nominated in 1860 on the ticket with Douglas at Baltimore, and but for the incessant importunity, if not threats, of Southern men who thronged his room, to shake (as they did) his determination, he would have stood by the Northern Democracy in its struggle against the deserters from its organization.

The other Senators from the South did not play very prominent parts on

the Congressional stage. Mr. CLINGMAN, of North Carolina, was expected to fight the Union battle, but failed at the critical time ; he had large experience in Congressional life, but, just elevated to the Senate, he rather pursued what he believed was the popular doctrine. He has since been a Colonel in the rebel service ; he is the only Southern Senator, unless it may be WIGFALL, TOOMBS, and CHESNUT, who has had any military experience. The Senators from Delaware, BAYARD and SAULSBURY, were able men ; the latter is still Senator ; the former, a logical thinker, accomplished in Constitutional law, and a believer in the unforced association of the States, retired from his place disgusted with that public opinion which would not allow free speech as a means to restrain usurpation, and conclude the war. The Senators from South Carolina did not appear at the opening of Congress. Although that State did not pass her ordinance until the 17th of December, her Senators had resigned on the preceding 10th. The Senator from Tennessee, Mr. NICHOLSON, was no speaker ; he did not make his mark ; he had been, however, a successful editor. The other Senator, ANDREW JOHNSON, evidently made his mark. Although he had fought the battle in Tennessee for BRECKENRIDGE against both BELL and DOUGLAS, he came to this session as if he were a *novus homo*. He had great will and tenacity of purpose ; his efforts were vigorous and effective in repelling, from a Southern standpoint, the aggressive debate of the secessionists of the Senate ; his elocution was more forcible than fine—more discursive than elegant ; he hammered away with stalwart strength upon his thought, until he brought it into shape. He rarely failed to produce the impression he intended. He is destined to act the greatest part in our future. DOUGLAS frequently expressed his regret that Mr. JOHNSON had not made his blows tell earlier in the hot conflict of ideas in 1860, when CRITTENDEN and himself were championing the interests of all sections, and striving to avert in time the calamities which were pressed by extremists, North and South. The Senators from Maryland, as from Kentucky, like their States, occupied middle ground, and were ever ready and eager to mediate. Would that the same could be said for Arkansas ! It was understood that at least one of her Senators, Mr. SEBASTIAN, was reluctant to follow South Carolina ; but the other, Mr. JOHNSON, was nothing loath thus to act. He has recently offered himself to the authorities, in a characteristic letter, frank and manly. Of the Missouri Senators, Mr. POLK went South, where his friends did not expect him to go ; and Mr. GREEN, unexpectedly, remained North in the seclusion of private life. The former had been Governor of his State, but was not otherwise greatly distinguished. The latter was a worthy foe-man of DOUGLAS in the fierce struggle on the Lecompton question. Of the

Northern Senators who were supposed to be most nearly allied with the South, were GWIN of California, LANE of Oregon and BRIGHT of Indiana. The Senators from Florida were never regarded, however they seemed, as favorable to the secession movement; though the Representative from Florida, Judge HAWKINS, was the first to urge the withdrawal of his State as a reason for his indifference to compromise, and his refusal to serve on the committee. Messrs. MALLORY and YULEE have since been somewhat conspicuous in the rebellion. Mr. MALLORY has been Secretary of the Confederate Navy, but neither of them exerted any considerable influence at Washington in the direction of disunion during the winter of 1860-'61.

The Republican Senators of the thirty-sixth Congress who were most noted in the parliamentary conflict, were HAMLIN, FESSENDEN, HALE, CLARK, COLLAMER, WILSON, SUMNER, CHANDLER, SEWARD, CAMERON, WADE, TRUMBULL, DOOLITTLE, and BAKER—a galaxy of ability. Against these, as against the other extremists, stood DOUGLAS, CRITTENDEN, JOHNSON, PUGH, LATHAM, FITCH, THOMPSON, RICE, and POWELL. How these tribunes labored to save the nation, only those present at their conferences know. I was often myself surprised at the speeches of DOUGLAS and PUGH especially, mitigating the effect of the personal liberty bills, and other infractions of the Constitution, so as to remove from the Southern mind their hatred of the North thus engendered. Few in number, these men did all they could, even to the last Sabbath evening before the adjournment, when Mr. CRITTENDEN electrified all by the glorious beauty of his last earnest, though ineffectual appeal for conciliation!

In the House, the elements of disunion can be discerned lying like geological strata in sections and States. The State of Maryland furnished no member who was a secessionist *per se*; although of the delegation Messrs. KUNKEL and HUGHES seemed to be most sympathetic with the South. The same may be said of Kentucky; though since, both BURNETT and STIMES have been Confederate Senators. They were both eager for compromise during the winter of 1860, and BURNETT even returned to the next Congress in 1861. He is now under bonds for treason. Virginia had GARNETT, DE JARNETTE, and EDMUNDSON, most disposed toward a Southern Confederacy. BOCOCCKE, SMITH, JENKINS, LEAKE, and others, were determined to go with the State. They did not labor to foster compromise. PRYOR was at times with, and at times against us. I do not think he was as eager as he seemed for a separate Confederacy. His career is known, with its vicissitudes. The fate of JENKINS, who was a classmate of mine, was what might have been expected. He fought bravely and died courageously at the head of his cavalry. Rich in a patrimony of splendid

farms along the Ohio and Kanawha, surrounded by friends who elected him to Congress when barely of the constitutional age, just married to a daughter of the diplomatist Bowlin, of Paraguayan memory, and coming from that part of Virginia where secession was the exception, his fate has seemed to be as unnatural as it is sad. Ex-Governor SMITH, of Virginia, was perhaps the most remarkable in the delegation. He was a fluent debater, ready at repartee, and brave to a fault. I am indebted to him for aiding in the special exchange of prisoners. Since the war, when I could get little or no aid from Congress or our own Government, and scarcely a vote on my resolutions urging exchange, till too late to save the lives of thousands, I received prompt and generous aid from this inveterate insurgent, which President LINCOLN, when informed of it by me, reciprocated with the remark that "he would not be outdone by 'Extra Billy' in extra kindness." But the man among Virginians who labored most nobly for the Union, was JOHN S. MILLSON of Norfolk. BOTELEER began the same good work by moving for the Committee of Thirty-three; but to MILLSON, more than to any one, did we owe the vote of Virginia in favor of the Union given in February, 1861. I franked, at his request, many thousands of his unanswerable speech to Virginians. It was complained of us, by some of the Hotspurs, that we had had the census copied, to flood that State with MILLSON's speech. This was true. In this work no one gave to General MILLSON more effective aid than SHERRARD CLEMENS, of Wheeling, whose eloquence never did better execution, whose zeal never flagged, and whose Unionism never wavered. In looking over the names of members from other States, I wish I could find more than I do of whom this may be said. Not counting Tennessee, led by NELSON and MAYNARD, Kentucky with MALLORY at its head, and Missouri, led by the gallant PHELPS; saving JOSHUA HILL of Georgia, HOUSTON and COBB of Alabama, GILMER and VANCE of North Carolina, BOULIGNY of Louisiana, HAMILTON of Texas, and excepting such men as BRANCH of North Carolina, REUBEN DAVIS of Mississippi, BOYCE of South Carolina, RUST of Arkansas, and TAYLOR of Louisiana, distrustful of secession as the cure for Southern ills, though less pronounced in their sentiments—excepting these and a few others not so conspicuous, the whole array of Southern talent, led by MILES, GARRELL, PUGH (of Alabama), BO-COCKE, GAERNETT, SMITH, PRYOR, CRAWFORD, CURRY, HINDMAN, McRAE, BARKSDALE, LAMAR, WRIGHT, and KEITT—nearly all, except PUGH and SMITH, young men—was thrown in favor of precipitate action, without any zeal and little attempt to compromise. Even such men as WINSLOW, SMITH, and BRANCH, of N. C., and REAGAN, of Texas, elected as conservatives against the disunion sentiments of their districts, cowered before this band

of Southern talent and the pressure brought to bear from their homes—inspired by hopes of independence. The wives, daughters, and other female connections of Southern members, were in the galleries constantly, to cheer by their presence and smiles the fervid efforts of these secession orators. For impetuous debate, there was LAMAR, of Mississippi, scholarly and defiant; for logical humor, Governor McRAE, of the same State, successor to Gen. QUITMAN, one of the happiest of speakers, an original slave-trade secessionist, though educated in Ohio; for parliamentary skirmishing, there was BOCOCKE, of Virginia; for vituperative philippic, there was ROGER A. PRYOR; for courteous and beautiful elocution, ALEXANDER R. BOTELE, of Harper's Ferry; for swaggering bravado, toned with an elegant phraseology, there was the vain and clever KEITT; for smooth and trenchant dialectics, there was PORCHER MILES, of Charleston, who earned his place in Congress by his care of the sick in the fever-stricken city of Norfolk in 1855; for statesmanslike and vigorous debate, there was BRANCH, of North Carolina; for broad wit and hearty blows, there was GILMER, of North Carolina; for subtle ratiocination of the Calhoun pattern, there was PUGH, of Alabama, who had all the pith, without the artistic polish, of his colleague CURRY; for offensive and vivacious readiness, there was HINDMAN, who almost alone of these leaders has been conspicuous in the war. BRANCH, RUFFIN, KEITT, JENKINS, BARKSDALE, and RUST have had important commands, and have all met that death of which they vaunted so much, rather than submit to the Federal authority.

In looking over this roll, I cannot but regret that so much of genius, energy, and goodness have been misled to their own ruin and that of their States. Among the most eloquent of this remarkable body not thus misled, was NELSON, of Tennessee; the most eccentric and indomitable genius for politics, was EMERSON ETHERIDGE; the clearest heads for political economy, metaphysical refinement, and historic research, were WILLIAM W. BOYCKE and JOHN S. MILLSON.

If we go to the Republican side of the House, we find CORWIN, of Ohio, incomparable for his fun, his pathos, and his soul-stirring eloquence; CHARLES FRANCIS ADAMS, with no readiness as a speaker, but a profound thinker; ELI THAYER, as practical as a steam-engine, but with all his vast motive power occasionally getting out of order; MORRILL, of Vermont, whose skill in tariff calculations never flagged during the excitements of the war; ROSCOE CONKLING, with rare gifts of ready and pure elocution; JOHN HICKMAN, of Pennsylvania, straightforward and dashing, with a scholar's taste hidden under the toga; THADDEUS STEVENS, the Metternich of Republicanism; GALUSHA A. GROW, quick in the manual and saucy in bravado toward his opponents; STANTON, SHERMAN, and BINGHAM, from

Ohio, all men of experience in legislation, and leaders of the then rising party; COLFAX, of Indiana, who, like GROW, rose to prominence by his championing with much fluency and energy the pietistic humanitarianism of his party; LOVEJOY, of Illinois, who cultivated an ignorance of parliamentary law in order to say the most indecorous things, and whose rugged vehemence, if not oratory, was taken for it by those who look more to the manner than the substance. These, with the affable Speaker, PENNINGTON, made up the phalanx upon which the Southern cohort hurled itself in debate. As I recall the scene which took place at my desk between KERRY and GROW, during the preceding Congress, after the hour of midnight, when the passions of the time were incarnate in that Congress and at that hour; as I repicture the fierce clutch and glaring eye, and the struggle between these heady champions, there come trooping down the aisles of memory, as there came trooping down the actual aisles of the House, the belligerent members, with WASHBURNE of Illinois, and POTTER of Wisconsin, leading the one extreme, and BARKSDALE and LAMAR leading the other; then comes the *mêlée*—the struggle, the pale face of the Speaker calling to order, the sergeant-at-arms rushing into the area before the clerk's desk, the mace as his symbol of authority, with its silver eagle, moving up and down on the wave of passion and conflict; then the dead hush of the hot heart, and glare of defiance across the hall! As this scene is revived, looking at it through the red storm of the war, I cannot but think that then and there was epitomized all that has made that war bloody and desperate. Then, too, there rise up the forms of those who were then accounted moderate and middle men, like DAVIS and HOLMAN of Indiana, MCCLERNAND and LOGAN of Illinois, MALLORY and STEVENSON of Kentucky, PENDLETON and VALLANDIGHAM of Ohio, FLORENCE and MONTGOMERY of Pennsylvania, SICKLES and COCHRANE of New York, who stood, like DOUGLAS, BIGLER, LATHAM, PUGH, JOHNSON, and CRITTENDEN, in the Senate, as a breakwater against the contending tides.

From these *disjecta membra* of this remarkable Congress, the reader may gather some idea of the force and energy, tact and eloquence, passion and prejudice, which composed it.

Some of the great questions which arose were foreshadowed in the President's Message; for instance, the power to coerce a State. But there were other questions, concerning the acquisition of territory, and the government of the territories; the effect of the decisions of the Supreme Court; various amendments of the Constitution so as to prohibit Congress and the people from impairing the right of property in slaves, etc.; the fugitive slave law; fugitives from justice; the right of transit in free States



of persons with slaves ; the nullifying acts of State Legislatures ; the abolition of slavery and the internal slave trade ; changes by constitutional amendments in the Executive office and veto power ; the restoration of the equilibrium between the slave and free States ; the voluntary division of slave States into two or more States ; giving the slave States a vote on all questions of slavery ; making the amendments proposed unamendable ; granting to the States power to appoint the Federal officers in their midst ; the peaceable withdrawal of States, and apportionment of the public debt ; dual Senates and dual Executive ; the organization at once of the remaining territories ; the foreign slave trade ; the acquisition of foreign territory by a vote of two-thirds ; questions as to ordinances of secession, and their effect ; preventing Africans from ever becoming citizens ; a constitutional convention ; these and many other questions were debated, and referred to the Committees of Thirteen in the Senate and Thirty-three in the House. They were the result of anxious cogitation on the problems which threatened to dispart the country. They remain upon the records to illustrate the variety and magnitude of the interests springing out of the institution of slavery, and the duplex character of our State and Federal Governments. They were, for the last time, thrust into the legislative tribunal for tranquil solution, before the conflict in the forum of reason should be replaced by

———"the intestine shock  
And furious close of civil butchery."

The public record shows what result was reached by these committees, or rather how resultless were their labors. Mr. CORWIN, for a majority, presented his resolutions and bills ; Mr. ADAMS declined to recommend even his own propositions, inasmuch as he believed that the South would accept nothing that he could offer. WASHBURN of Wisconsin, and TAPPAN of New Hampshire, of the committee, offered nothing by way of compromise. The conservative men, with TAYLOR, PHELPS, RUST, WHITELY, WINSLOW, NELSON, HAMILTON, and others of the committee, wished to go further than Governor CORWIN. They recommended the CRITTENDEN proposition. The votes on the CORWIN measures were strangely incongruous. The vote on the CRITTENDEN proposition was well defined, but is not so well understood. From the frequency of inquiries since the war as to this latter vote, the people were eager to know upon whom to fix the responsibility of its failure. It may as well be stated that all other propositions, whether of the Peace Convention, or the border State *projet*, or the measures of the committees, were comparatively of no moment ; for the CRITTENDEN proposition was the only one which could have arrested the struggle. It would have received a larger vote than

any other. It would have had more effect in moderating Southern excitement. Even DAVIS, TOOMBS, and others of the Gulf States, would have accepted it. I have talked with Mr. CRITTENDEN frequently on this point. Not only has he confirmed the public declarations of DOUGLAS and PUGH, and the speech of TOOMBS himself, to this effect, but he said it was so understood in committee. At one time, while the committee was in session, he said: "Mr. TOOMBS, will this compromise, as a remedy for all wrongs and apprehensions, be acceptable to you?" Mr. TOOMBS with some profanity replied, "Not by a good deal; but my State will accept it, and I will follow my State to ——" And he did.

I will not open the question whether it was wise then to offer accommodations; it may not be profitable now to ask whether the millions of young men whose bodies are maimed, or whose bones are decaying under the sod of the South, and the heavy load of public debt under which we sweat and toil, have their compensation in black liberty. Nor will I discuss whether the blacks have been bettered by their precipitate freedom, passing, as so many have, from slavery through starvation and suffering to death. There is no comfort in the reflection that the negroes will be exterminated, with the extermination of slavery. The real point is, could not this Union have been made permanent by timely settlement, instead of cemented by fraternal blood and military rule? By an equitable partition of the territory this was possible. We had then 1,200,000 square miles. The CRITTENDEN proposition would have given the North 900,000 of these square miles, and applied the Chicago doctrines to that quantity. It would have left the remaining fourth, substantially, to be carved out as free or slave States, at the option of the people when the States were admitted. This proposition the radicals denounced. Notwithstanding the then President elect was in a minority of a million of the popular vote, they were determined, as Mr. CHASE wrote to Portsmouth, Ohio, from the Peace Convention, to use the power while they had it, and prevent a settlement. It has been stated, to rid the Republicans of the odium of not averting the war when that was possible, that the Northern members tendered to the Southern the CRITTENDEN Compromise, which the South rejected. This is untrue. It was tendered by Southern Senators and Northern Democrats to the Republicans. They, in conjunction with some half dozen recusant Southern Senators, rejected it. It was voted upon but once in the House, when it received 80 votes against 113. These eighty votes were exclusively Democrats and Southern Americans, like GILMER, VANCE, and others. Mr. BRIGGS, of New York, was the only one not a Democrat who voted for it. He had been an old Whig and never a Republican. The Republican roll, beginning with ADAMS and ending with WOODRUFF,

was a unit against it. Intermingled with them was one Southern extremist, General HINDMAN, who desired no settlement. There were many Southern men who did not vote, believing that unless the Republicans, who were just acceding to power, favored it, its adoption would be a delusion.

The plan adopted by the Republican Senators to defeat it, was by amendment and postponement. On the 14th and 15th of January they cast all their votes against its being taken up; and on the 16th, when it came up, Mr. CLARK, of New Hampshire, moved to strike it out and insert something which he knew would neither be successful nor acceptable. The vote on Clark's amendment was 25 to 28; every "ay" being a Republican, and every "no," except KENNEDY and CRITTENDEN (Americans), being Democrats. On this occasion, six Southern Senators, including BENJAMIN and WIGFALL, did not vote. They could have defeated Mr. CLARK's motion. In reference to this vote, we have the testimony of President JOHNSON, in a speech on the expulsion of Senator BRIGHT, January 31, 1862, to this effect:

"I sat right behind Mr. BENJAMIN, and I am not sure that my worthy friend [Mr. LATHAM] was not close by when he refused to vote; and I said to him, 'Mr. BENJAMIN, why do you not vote? Why not save this proposition, and see if we cannot bring the country to it?' He gave me rather an abrupt answer, and said he would control his own actions without consulting me or anybody else. Said I: 'Vote and show yourself an honest man.' As soon as the vote was taken, he and others telegraphed South, 'We cannot get any compromise.'"

Doubtless the rest of the six Senators had the same sinister motive for their reticence in voting and readiness in telegraphing. But their recreancy does not excuse the body of the Republicans. Nor do I know that now, since the collapse of the rebellion, they are so anxious to be excused. I only write the facts of history, not to justify or condemn.

When this result was announced, universal gloom prevailed. The people favored this compromise. Petitions by thousands of citizens were showered upon Congress, for its passage. Had it received a majority only, they would have rallied and sustained those who desired peace and Union. One more earnest appeal was made to the Republicans. General CAMERON answered it by moving a reconsideration. His motion came up on the 18th, when he voted against his own motion. It was carried, however, over the votes of the Republicans, although WIGFALL voted with them. When it was again up on the 2d of March, 1861, the Southern States were nearly all gone; even then it was lost by one vote only. But on that occasion all the Democrats were for, and all the Repub-

licans against it. The truth is, there was nothing but sneers and scepticism from the Republicans at any settlement. They broke down every proposition. They took the elements of conciliation out of the Peace Convention before it assembled. Senators HARLAN and CHANDLER were especially active in preparing that Convention for a failure. If every Southern man and every Northern Democrat had voted for this proposition, it would have required some nine Republicans for the requisite two-thirds. Where were they? Dreaming with Mr. SEWARD of a sixty-days struggle, or arranging for the division of the patronage of Administration. The only Southern Senators who seemed against any settlement were IVERSON and WIGFALL; that no man will challenge if he will refer to the *Globe* (1st part, 35th Congress, p. 270) for the testimony of DOUGLAS and PUGH, and to Mr. BIGLER's Bucks County speech, September 17, 1863. The latter knew it to be true, when he said that—

“When the struggle was at its height in Georgia between ROBERT TOOMBS for secession, and A. H. STEPHENS against it, had those men in the Committee of Thirteen, who are now so blameless in their own estimation, given us their votes, or even three of them, STEPHENS would have defeated TOOMBS, and secession would have been prostrated. I heard Mr. TOOMBS say to Mr. DOUGLAS that the result in Georgia was staked on the action of the Committee of Thirteen. If it accepted the CRITTENDEN proposition, STEPHENS would defeat him; if not, he would carry the State out by 40,000 majority. The three votes from the Republican side would have carried it at any time; but Union and peace in the balance against the Chicago platform were sure to be found wanting.”

If other testimony were wanting, I would ask a suspension of judgment until those facts, better known to Southern men, transpire. The intercourse about to be reëstablished between the sections will cumulate the proof. It will also bring to the light many facts showing that, while President BUCHANAN was working for the Peace Conference, while Virginia had been gained to our side with her ablest men, there were even then in the Cabinet those who not only encouraged revolt, but foiled by *letter and speech* the efforts of the Unionists at Washington and Richmond. Those who sought to counteract the schemes of secession, were themselves checkmated by men now in authority. These letters and acts are referred to in the recent speech of General BLAIR. They will be and should be brought into the sunshine, if only to vindicate the true Union men of that dark hour, and to condemn those who have since made so much pretension with so much zealotry, coupled with unexampled cruelty and tyranny.

Whether, therefore, you consult the public record, or go beyond its veil

and consult those who knew the elements at work in the committees and in social life, one leading fact always stands stark and bold before you : that with the aid of a handful of secessionists *per se*, the whole body of the Republicans were, as President JOHNSON described Senator CLARK, when he defeated the CRITTENDEN resolution by his amendment, "acting out their policy." ' In the light of subsequent events, that policy was developed ; it was the destruction of slavery at the peril of war and disunion ; or, as Senator DOUGLAS expressed it, "a disruption of the Union, believing it would draw after it, as an inevitable consequence, civil war, servile insurrections, and finally the utter extermination of slavery in all the Southern States."

# SPEECHES.

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## I.

### FINANCES, TARIFFS, ETC.

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#### COMPARISON OF EXPENSES BETWEEN 1858 AND 1864, AND OF THE TAXATION OF ENGLAND AND AMERICA IN 1858.

I INSERT the following extracts, not so much for their importance, as to show the astounding disparity of our revenues and expenditures between the years 1858 and 1864. It is curious to see how sixty-five millions startled us in the one year, and how contemptible it seemed six years later! The first speech was delivered on the 12th of June, 1858, and the last on the 2d day of June, 1864:

Gentlemen cannot complain of our withholding protection to ocean commerce. The West had been generous in this regard. If she were more niggardly, she might have had more consideration. She does not "calculate" so much as our Atlantic States. It is high time she began it. Her own commerce, on river and lake, far exceeds that of the seaboard States. Her commerce is not so much endangered from the hostility of other nations; but it is in equal danger from the elements, from snag and rock, from storm and fire. I voted your ten sloops—not so much because I feared a war as because I wanted the peace kept, and your commerce protected from outrage by search and seizure. \* \*

Mr. Chairman, I am one of those who believe that the splendor of a nation does not lie in the wealth and extravagance of its pampered metropolis. The true glory of this nation is to be found elsewhere. Her new States, made up of men of simple habits, without artificial wants—these are the blossoms and fruits of our "secular majesty and magnificent strength." I am opposed to all these extravagant expenditures for the

benefit of one section and of this metropolis. Let our appropriations take a wider scope and a more useful object.

In discussing unjust and unequal appropriations, Mr. Cox said :

There is a power arising in the West which will one day—not far ahead, either—after the next census, in 1860, perhaps, correct these evils, while it looks after its own interests, so shamelessly neglected. A few admonitory facts in this connection may not be amiss. The present rate of increase of the population of the western States, particularly of the northwestern, indicates that by 1863, when the new congressional apportionment will be in operation, there will be on this floor, representing what may be called western interests, one hundred and twenty-five members out of two hundred and forty-one, if such should be the number of the House. Whatever the number, those States which have a common interest in western agriculture and commerce will have a preponderance. The Northwest alone will outnumber New York and New England. Where it now has fifty-three, it will have, under the next census, eighty—nearly one-third of the whole number of Representatives. This will command a controlling influence. It is to be hoped it will be sufficient to stop the suicidal disunion cry of North and South. Let the West repose in its might. It can afford to wait. The lines of empire are on the face of the cradled Hercules.

Thirty-eight years ago General Cass visited a village of ten or twelve houses, containing sixty people, by means of a bark canoe, by way of the Wisconsin River and Green Bay. That village of 1820 is the Chicago of 1858, with one hundred and fifty thousand people. It is the terminus of more railways than any other city of the Union, and has become the great grain depot of the world! This marvellous increase of one city is but the little forefinger, as it were, pointing out to the greater West of a greater future than has yet been dreamed, when there shall be opened up to emigration and production the great plains of America which lie between the meridian line which terminates the States of Louisiana, Arkansas, Missouri, Iowa, and Minnesota, on the west, and the Rocky Mountains, out of which twenty-four new States will arise with the same abundance of resources which marks the States of the Mississippi valley!

It is a common practice, in discussions of this character, to show the expenses of our Government when we were young, and, by contrast with the present, to decry the present lack of economy. One of my colleagues [Mr. SHERMAN], in an able speech this session, after giving table after table of figures showing our expenses in the past, and comparing them with the present, did not give sufficient heed, in my humble judgment, to the great increase in all the departments of industry, and in all the resources of our fast-growing commonwealths. Here is a sample of this sort of fallacy taken from his speech :

“The expenses of this year, the first under Mr. Buchanan’s administration, will be \$5,000,000 more than the entire expenses of the Government from its foundation to the close of Jefferson’s administration. The aggregate expenses for the first twenty years of our Government were \$78,363,762 ; and I have already shown that, this year, the expenses exceed \$83,000,000.”

Such statements prejudice without convincing. There is no comparison to be drawn between such a remote era as the first twenty years of our Government and the present time. Since then we have had steamships, steamboats, steam sea vessels of war, steam sea mail service. We have added since then to our area five-fold. We have more than doubled the States, and we have now six Territories. Within a half century what have we done? Moved the Indians west and further west of the Mississippi. We have given them missionaries and whiskey, money and schools; and our Interior Department are trying to civilize all the War Department do not murder. We have made our land the principal cotton and great grain-growing country of the world. Our marine now exceeds that of England in tonnage. Our manufactures now compete with Europe in South America and the Orient. We have increased our numbers nearly six-fold, for in 1808 our population was about six millions; we have increased our federal expenses about twelve-fold, but our annual private income fifteen-fold!

There is no fairness in tables like those of my colleague [Mr. SHERMAN], which institute comparisons between different years, and which take the increase of population only as the test of a true ratio of increase in expenses. Conclusions from such premises may well be called "monsters of imagination begotten on a cloud of statistics." Why, it would be hardly fair to compare the expenses of ten or five years ago with those of the present. Last year our expenses were over sixty-five millions. In 1850 they were only \$37,000,000. "What prodigality!" says the sophist. He ought not to say it, till he remembers what empires we have opened since 1850, what new and great calls are made on our Treasury for the proper protection of added interests. In 1830 we had an expenditure of over thirteen millions. "Now," says the sophist, "it is nearly six times as much." Think of one fact in this connection, and you will not hastily conclude on such premises. In 1830 a writer in Philadelphia glories over the wonderful fact that whereas, in 1824, only about three thousand dollars in gold from domestic sources was sent to the Mint, then, in 1830, it had increased to \$130,000. But, let me add, what a change since 1830! Now, our domestic yield of gold exceeds fifty millions per annum! There is but one criterion for the increase of our expenses. It is not the increase of our population; such a ratio is an unfair test of true economy: but it is the increase of all the interests in view of our increased national wealth, area, and importance. Whenever these interests and the honor of the nation do not demand it, our expenses must be kept down with rigid firmness.

The expectations of the Government from the last tariff have been foiled by the financial troubles. The expenses of the Government for this year have been somewhat increased by the Utah troubles, as well as by the naturally growing demands of our growing nation. It becomes us to meet these expenses in a patriotic spirit; to furnish means to preserve untarnished our national honor. Compared to the Governments of the Old World, loaded as they are with debts, our condition, at the worst, is happy. A hundred millions is no debt to a nation like ours, with its resources and its energies. We throw off such debts as lightly as a summer garment.



Far be it from me to encourage a system of national debt. If we need money just now in our exchequer, let us borrow it; trusting, as we may do with reason, to the revival of business already begun, which will insure before long a revenue sufficient for expenses. Far better borrow than fill a treasury to overflowing by a high tariff. Let the present tariff be fully tested; and if it fail, in a fair season, to give us a sufficient revenue, then let it be modified to suit the exigency. The reverses of 1837 were terrible. The country staggered under them for years. The reverses of 1857 are comparatively easy to be borne. We have now a better banking system, a more healthful curtailment of private expenditure, and a better system of public finance—the sub-treasury. We had not these twenty years ago. Already the disease of last year is wearing out. It is found not to be chronic. Individuals have economized manfully. Our decreased imports—which are the very cause of our loan bills and lank treasury—show a recovery going on at once healthful and invigorating. So that our seeming disaster of an empty treasury is the index of a restorative process which will bring prosperity.

I hope that the economy which the people are now practising in their own troubles, may be practised by our Government in its embarrassments. We need to be reminded by misfortune of the evils of extravagance. This is an age of luxury. Could the people who have sent us here glance at this Hall, ornamented with all the bedizenment of gilt and paint; could they hear but one discussion on the monster schemes and inordinate extravagance of the last Congress; and believe half their eye saw or ear heard, there would be more excitement on economical than territorial affairs. Their surprise would but indicate a fact, that our Government and its rulers are far in advance of the people in the vices, and far behind them in the virtues, of republican life. That simplicity which obtains among the masses in New England, in New York, in the West and South, has but little reflection either in the social life or political legislation of the metropolis.

In saying this much, I am not indifferent to the proud fact that our governments, Federal and State, are yet the models, in an economical view, to which the reformers of England and the continents point, for the guidance of their own governments. No man can read without patriotic emotion the plaudits of De Tocqueville, as he discourses of the simplicity and economy of our system. Again and again have Cobden, Hume, and Roebuck, from the English hustings and in Parliament, referred to these United States for lessons in an economy which is liberal without being extravagant, and which has striven to be discriminating without being mean. It was only a few weeks ago that Mr. Bright bemoaned, in a letter to Birmingham, the suffering consequent upon the increasing taxes of England. He could find no remedy except in the diminution of their augmenting expenditure. He startled the English people by showing that their Government was now spending £20,000,000 sterling more than they were spending a few years back, and that since 1835, when Wellington and Peel had charge of the Government, their military expenses alone had doubled; and then, pointing to this nation, he said:

“This year, we shall raise at least £50,000,000 sterling more than will be required to be raised by an equal population living not in England, but the United States of America!”

Two hundred and fifty million dollars is the burden which twenty-seven million people pay in Great Britain over and above what the same number would pay in America, under our Government. Can we wonder, then, that where the burdens are so heavy, and the political privileges so few, so many are now considering the propriety and advantage of emigration; and that at this moment the unemployed of the manufacturing districts of England are appealing to the Queen for an extensive system of free emigration?

If such be the attractive force of our economy, how carefully should we guard it! We should not be content with the flattering contrasts we can draw with the Old World! If we find in our expenditure a dangerous augmentation, let us apply the canons of our party platforms to practical legislation, and lop off the excrescences where we can. At least, let us protest where we cannot lop off, and so guard our future against deficiency bills, and loan bills, as to secure the greatest economy with the least government possible, consistent with security.

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#### TARIFF IN 1864.

THE CONSUMERS, THE SERVS OF CAPITAL.—NEW RELATIONS OF PAPER MONEY TO THE TARIFF.—PROTECTED AND UNPROTECTED STATES AND CLASSES.—ROBBERY OF CONSUMERS.—RAPACITY OF MONOPOLY.

Mr. Chairman, the honorable gentleman [Mr. MORRILL] who reported this bill, has just assured us that it is only a war measure of temporary duration. Feeling the necessity of apologizing for the bill, which is an aggravation of the tariff of 1862, the gentleman terms it a war measure. If it were not that we are already immersed in a war whose excitements are so absorbing that no time is left for reflection upon other subjects of policy, this tariff might well be called a war measure. Its oppressive character is enormous enough to produce revolution.

On the 25th of February, 1861, I came to this House from a sick bed to protest against the tariff bill then pending. I denounced it as a great fiscal tyranny, a mountainous burden on the West. While favoring a revenue tariff to meet our then small expenditures, I opposed bounties, special advantages, and class legislation. I showed that the bill as then designed raised bounties from the consumers of the West and South, to be paid to the iron-masters of Pennsylvania, and the manufacturers of New England. That bill was urged as a measure of protection, protection to western interests. I then said "that the West could take care of itself. It is rich by nature in its resources; and if the people of Pennsylvania cannot live by working their forges, with their own natural resources; and if the people of New England cannot live by working their spindles, with their natural ingenuity, without the aid of other classes of industry and the bounty of the Government, let them move to the West, and there the God of nature will protect them in the cultivation of the soil, if they have the industry to work and the frugality to save."

Since then, sir, that tariff so burdensome has been enormously increased. Our debt, then so small, being only \$67,281,591, with an interest of only about four millions, was, on the 15th day of March, 1864, \$1,580,201,744. On that day we had a paper currency, including certificates of indebtedness, amounting to \$779,683,922. Since then these sums have been increased. Figures fail to express the magnitude of our burdens and liabilities. Nor do I intend to complain of them now. The war has brought them. Neither will I discuss now who are responsible for either the war or its incidents. I accept the existing facts. Having voted against the high tariffs, the paper system, and the whole scheme of finance in all its stages, I am not in anywise responsible for their existence. We are spending \$3,000,000 a day; \$1,000,000,000 a year. Irrespective of loans, we are striving to meet this enormous outlay by the tax bill, which is to raise \$200,000,000 per year, and the tariff, which will meet perhaps \$50,000,000 more.

I do not oppose the raising of these sums. The credit of the Government demands it. I accept events, but I do not accept every plan to raise these sums, nor any plan because proposed by the dominant party or its committees in this House. We have no business here as Representatives if we do not question every plan, especially if it affects unfairly our own State or constituents. I am not a Representative, but a slave, if I yield to the clamor of one section or class for benefits which affect unjustly another section or class. I do not represent the rich, they can take care of themselves; nor the poor altogether; but a principle which requires that taxation shall fall equally on all: that the benefits of legislation shall not inure to one class, and its burdens be laid upon another. I propose to prove that this is the effect of the existing and proposed legislation.

By the joint resolution passed a few weeks ago, we increased the tariff rates of 1862 fifty per cent. The present bill, while repealing that resolution after the 1st of July, does not lessen but increases largely the same rates. It adds to them, on most articles, the amount of the internal tax. The duties are paid in gold. This adds the premium of gold to the tariff rates. So that in considering the effect of these measures I must consider them as affected by the paper money which has been showered upon the country with such prodigality.

What, then, are the benefits accruing to the manufacturing classes, and the burdens imposed upon the agricultural and consuming classes, by the present tariff system and a depreciated paper currency? What, particularly, are their operations upon the industrial interests of New England and the western States as contrasted?

Before resorting to an arithmetical demonstration to show the effects of the tariff and "greenback" systems combined, I propose a few self-evident propositions as the basis of my calculations:

1. In the commercial transactions between two foreign countries, in fact all countries, the basis of exchange must be specie, and the currency of the countries must be reduced to their par values.

At present the gold currency of the United States contains more alloy than that of Great Britain, the difference in their values being that of nine cents on a dollar; eight and three quarters according to Tate's Cambist.

This rate varies in actual commercial transactions according to the demand and supply of exchange. Therefore, in order to equalize the gold currencies of the two countries, it is necessary to add eight and three quarters per cent. to each American dollar. This will make it equal in value to a dollar of the same weight in the gold currency of England. In other words, the merchant in New York who would pay \$1 to the merchant in Liverpool, must send him \$1.08 $\frac{3}{4}$  of our gold. The exchange on England generally ranges above this rate. It depends upon demand and supply, and the freight and risk of transporting specie.

2. If the currency of one country is a depreciated paper currency, and of the other specie, the rate of exchange is according to the depreciation of the paper currency of one country below the gold or standard specie currency of the other. For example, the United States paper currency, as compared with United States gold, the latter being, to say the least, at a premium of sixty per cent., taking the average of the past year, is depreciated thirty-seven and a half per cent. That is, it takes \$1.60 of United States paper to buy \$1 of United States gold; that is to say, \$1 in United States paper is worth only sixty-two and a half cents in United States gold.

Now, in order to pay \$1 in Liverpool in United States paper at the above depreciation, namely, in the ratio of \$1.60 for \$1, it would require \$1.74. To the demonstration :

\$1 08 $\frac{3}{4}$  of American gold is equal to \$1 of English gold.

60 rate of depreciation of American paper as compared with American gold.

65	25
108	75
<hr/>	
\$174	00
<hr/>	

Therefore the rate of exchange between the paper currency of the United States and the gold currency of England is seventy-four per cent. In other words, it takes \$174 of United States depreciated paper in New York to pay \$100 in Liverpool.

And this result corresponds with the actual market prices of gold and exchange. I see in the stock market of Boston, as reported in the Boston Courier on February 29, 1864, that gold was quoted at \$1.58 $\frac{1}{2}$  to \$1.59, and exchange on England, sixty days to run, at 73 and 74.

Mr. PRUYN. Exchange is more than that now. It is a dollar.

Mr. COX. Of course, if gold is at ninety, as it is now, the price of exchange rises in the ratio of its increase. Therefore, in order to buy \$100 worth of gold in England the American merchant must pay \$174 in the depreciated paper currency of the United States when gold is quoted only at \$1.60.

When he brings that \$100 worth of goods to this country, in order to reimburse himself he must sell it for \$174 of our currency with freight and duty superadded.

The Government requires that these duties shall be paid in gold. The importing merchant, therefore, must purchase the gold with depreciated paper, paying for it the market premium.

For instance, if the duty on the merchandise is 40 per cent. *ad valorem*, or \$40 on each \$100 of value imported, he must add 60 per cent. to the \$40, which is equal to \$24. That sum added to the \$40 is equal to \$64. Thus, in order to pay a specie duty of 40 per cent. on \$100 of merchandise, the merchant must pay in paper, depreciated in the ratio of \$160 to \$100, a duty of \$64 or 64 per cent. To which is to be added the increased duty of 50 per cent. on the former rates, under the recent joint resolution, which would add \$20 more to the cost; but as that, too, has to be paid in gold and the gold purchased, there would be \$12 more to be added, making \$32.

Now, let me demonstrate what it will cost in United States paper, depreciated only in the ratio of \$160 to \$100, to import merchandise costing \$100 in England:

First cost.....	\$100
Difference of exchange.....	74
Duty of 40 per cent. exchanged to paper.....	64
Fifty per cent. additional duty recently put on, exchanged to paper.....	32
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Actual cost, exclusive of freight and other charges.....	270
Deduct first cost.....	100
<hr/>	
Leaving additional cost in consequence of exchange, duties, and paper money....	<u>\$170</u>

Thus the consumers, in consequence of the depreciation of paper money and the duties payable in gold, have to pay \$270, or 170 per cent. in addition to the cost, for every \$100 worth of goods imported from England into this country. To this is to be added the freight and charges, and at least 10 per cent. profits to the importer.

4. The elements of cost, therefore, upon merchandise imported from foreign countries into the United States, are: 1, the first cost abroad; 2, difference of exchange; 3, duty; 4, freight, insurance, and other charges of importation; and, 5, the importer's profits on all the preceding items, which we reckon at 10 per cent.

5. At this point of cost the imported article comes in competition with the corresponding article of the home manufacturer in the American market. And the aggregate of the items above mentioned constitutes the protection or bounty which the tariff system gives to the manufacturer. The consumers of the domestic article, of course, pay this bounty to the manufacturer. This is now reduced to an axiom in political economy. It is as clear as the proposition that the object of a tariff for protection is to increase the price of the article. If this were not the case, who would care for protective bounties? Not the manufacturer, certainly. If not he, who then?

6. Thus the system taxes the labor and capital employed in one class of industrial interests for the benefit of the labor and capital employed in another class of industrial interests.

In order to demonstrate by facts and figures the truth of the foregoing propositions, I propose to take three descriptions of iron, namely: pig, railroad, and bar, showing the quantities imported, the cost in England, and the cost in this country in depreciated paper, with duties, freight, and importer's profits superadded. I omit insurance and other minor charges

of importation. I take the importations of 1861 as the basis of my calculations, because I have not at hand the importations of later years. The principles upon which the demonstrations are made apply to the importation of all years. My calculations are also based upon gold at the rate of \$160 in the depreciated paper currency of the United States. The rates of duty are those of the tariff of 1862, without adding thereto the 50 per cent. on those rates of the recent law, and without adding the increase proposed by the present bill. I take these different kinds of iron because the specific duty required to be paid upon each of them can easily be reduced to the *ad valorem* standard. Also, for the purpose of economizing in figures, I will call the rate of exchange between England and this country 70 per cent. instead of 74, which will be more favorable to the manufacturer.

*Pig Iron.*—Quantity imported in 1861, 39,538½ tons; cost \$14 per ton; duty \$6 per ton, or 43 per cent. *ad valorem*, equal to 68 per cent. in paper money.

Cost in England.....	\$542,952
Difference of exchange at 70 per cent.....	880,066
Duty 43 per cent. in gold, 68 per cent. in paper .....	869,207
Freight at \$6 per ton.....	236,231
Importer's profit 10 per cent. on first cost, exchange, duty, and freight.....	156,845
	<u>\$1,685,301</u>

Thus, when this quantity of iron, with its original cost, difference of exchange, freight, and duties paid, is offered in the market of the United States, it costs \$1,685,301. At that point it comes in competition with the product of the home manufacturer; consequently his protection, or bounty, is the difference between the first cost and the cost when the foreign iron enters into competition with him in the home market.

Let us see what that protection or bounty is :

From cost in our market .....	\$1,685,301
Deduct first cost in England.....	542,952
Leaving a bounty on same quantity to the home manufacturer of..	<u>\$1,142,349</u>

or 210 per cent.

Same calculation on a specie basis :

Cost of pig iron imported in 1861.....	\$542,952
Difference of exchange at 9 per cent.....	48,865
Duty at 43 per cent.....	238,409
Freight at \$6 per ton.....	236,231
Importer's profits at 10 per cent.....	106,151
	<u>\$1,167,608</u>

At this point of cost, it comes in competition in our market with the article produced by the home manufacturer.

From its cost in our market.....	\$1,167,608
Deduct original cost abroad.....	542,952
	<hr/> \$624,656

or 115 per cent.

[Mr. Cox pursued a similar system of demonstration with respect to railroad and bar iron, cotton and woollen manufactures, &c., a compendious statement of which is placed in tabular form hereafter.]

In these calculations I have embraced only three descriptions of iron. The importation of iron in all forms amounts to millions in value more, which comes in competition with the home manufacture of similar descriptions of articles. Thus my calculation fails to give all the enormous profits realized by the home manufacturer on the article of iron.

In order to pay those exorbitant profits to the iron manufacturers, labor and capital employed in other pursuits of industry must necessarily be taxed in corresponding proportion.

"But we must have revenues. The war must not suffer for the want of money," says some one with more zeal than reflection. Now, will some adept in figures please inform me what proportion of this immense sum of \$48,094,548 realized by the home manufacturer on iron goes into the Treasury to support the war and pay the expenses of the Government? The whole revenue of the tariff on all articles is not much greater. The truth is, the revenue is not only lessened, the Treasury defrauded, and the people deluded by this clamor for bounties, but, by oppressive and unjust discrimination, one class waxes fat and rich out of the labor and means of another.

If, then, this amount does not go for revenue, but is for the most part a bounty paid to the manufacturer by every consumer of iron in all its manifold shapes and uses, how can an increase of the duties on iron as proposed by the bill now before the House, be justified? On pig iron alone the duty is increased by this bill from six to nine dollars per ton; on railroad iron nearly in the same ratio, and on bar iron much more; and still the iron masters clamor for more. Does their clamor proceed on the principle laid down by Dr. Wayland—Political Economy, page 147—that "when once a duty is imposed for the protection of a particular branch of manufactures, it is not long before home competition begins, ruin threatens, and a larger protective duty is demanded"? Or is it because these iron cormorants, having tasted the sweets of inordinate gain, place no limit upon their insane greed? If I should fix the price of gold at 190 instead of 160; if I should add the recent 50 per cent. increase of the tariff to this protective bounty, or the increase proposed by the present bill; I would be justified in fixing the average tax which the consumer pays to the manufacturer at over 200 per cent. on all kinds of iron! Nor would our people then wonder, that whereas they once bought all articles into which iron enters at small prices, these articles are now enormously enhanced in price. Of course such articles as are increased in price by the increased value of the labor put on them, and into which little iron and more labor enters as an element of cost, are double their old prices. A hatchet which, before the tariff of 1862 and the paper money system, cost twenty-five

cents, now costs double. So with ploughs. A hoe that formerly cost but thirty-seven and a half cents, now costs over a dollar. Articles into which less labor and more iron enters are greater still in the ratio of increase. A keg of nails which in 1860 cost but \$2.10, now brings over \$7! Every article of iron, from a bodkin to a boiler, from an anvil to an engine, from a buckle to a buggy spring, from a hammer to a harrow-tooth, from a wood screw to a woman's hoop, from a steel shirt collar to an iron steamship, all pay their tribute to the iron-makers of the United States, and particularly of Pennsylvania, who, as the annexed table will show, manufacture nearly three-fourths of the iron of the United States :

	<i>Pig.</i>	<i>Bar and other rolled.</i>
New Hampshire and Vermont .....	3,224	1,170
Massachusetts .....	13,700	20,285
Maine .....	.....	5,300
Connecticut .....	11,000	2,060
New York .....	63,145	38,275
New Jersey .....	29,048	25,006
Pennsylvania .....	553,560	259,209
Maryland .....	30,500	7,000
Ohio .....	94,647	10,439
Indiana .....	875	2,000
Michigan .....	10,400	.....
Wisconsin .....	2,000	.....
Illinois .....	22,000	4,678
Kentucky .....	23,362	6,200
Virginia .....	9,096	17,870
Tennessee .....	18,417	5,024
North Carolina .....	.....	1,007
South Carolina .....	.....	275
	<u>884,474</u>	<u>405,798</u>

The duties imposed upon cotton manufactures by the tariff of 1862, are so involved and intricate that it is impossible to reduce them precisely to the *ad valorem* standard without the aid of the amount of duties actually received upon the amount of goods imported. That amount can be ascertained only from the Treasury Department of the United States.

The duties on cotton goods seem to have been expressly devised to deceive and mislead the consumer, while giving a most exorbitant bounty to the home manufacturer.

For instance, on certain classes of goods, specific duties, varying from one and three-quarters cents, according to the number of threads in the square inch, per yard, are imposed; and on other classes, namely, colored prints, specific duties, varying from two and three-quarters to five and one-half cents, and an additional duty of ten per cent. *ad valorem* per yard are imposed.

This complicated system of levying duties defies the intelligence of any man to unravel who is not engaged in the trade, or has not access to the custom-house returns at Washington. The present bill does not simplify but complicates still more this pernicious system of duties.

Its obvious purpose is to deceive the consumer, and to give an unreasonable protection or bounty to the home manufacturer; to tax and impoverish



the consumers, and to build up an aristocracy of manufacturers, residing mostly in Massachusetts and the other New England States.

But one fact it cannot hide from plain people: that whereas three years ago our farmers' wives bought a yard of calico for ten or twelve cents, the same costs now from twenty-five to twenty-eight cents.

Mr. MALLORY. More than that. Forty cents at least.

Mr. COX. Well, this I know, that whereas a yard of muslin, three years ago, cost ten cents, it now costs forty-five cents. What could be once bought with two and one-third days' labor, now requires nearly four. Coffee, sugar, tea, and all the necessaries of life have not only been enhanced in their nominal price by the paper money standard, but really enhanced by the tariff also. But these taxes are patent to all. It being impossible to ascertain the precise duty imposed on cotton goods reduced to the *ad valorem* standard, it therefore can only be approximated. It probably ranges from 40 to 60 per cent. But to make a calculation on a basis most favorable to the manufacturer, I assume that the duties on cotton goods when reduced to the *ad valorem* standard would be 35 per cent., the ordinary *ad valorem* duty, when that form of duty is used, under the tariff of 1862 and the bill before the House. Upon this basis the calculations are made.

In the preparation of these calculations I have taken unusual pains. I have been aided by a distinguished statist, Edmund Burke, of New Hampshire, to whom the country is indebted for many valuable lessons in economy. But if any one questions the accuracy of the data upon which they are based, I present some actual transactions which confirm my conclusions. Below is the copy of a document showing the actual duties and charges paid at the Boston custom-house on a package of woollen goods and silk India-rubber fabrics imported from England and entered April 5, 1864. It is the account rendered to the importers by the brokers who transacted the business at the custom-house. The package was marked B 77, and contained goods invoiced in Liverpool at £129 2s. 10d. In reducing the sterling currency to Federal money, the invoice, for the sake of convenience, is called £130.

Boston, April 5, 1864.

Messrs. BARRY & BAO.

To STONE & DOWNER, Dr.

Charges at Liverpool as per margin.		
To duty on one package, per Africa.....		\$254 10
Permit.....	\$ 10	
Bond.....	30	
Custom-house charges.....	62	
Cartage.....	75	
Wharfage.....	32	
Revenue stamp.....	1 15	
Commission.....	1 62	
		<hr/> 4 86
		\$258 96
Premium on \$350 80 at 80 per cent.....	\$170 55	
" " \$ 30 at 80 ".....	2 64	
		<hr/> 173 19
		<hr/> <u>\$432 15</u>

*Actual cost of importing the package above referred to, as estimated by the importer:—*

Duty on B 77.....	\$254 10
Freight from Liverpool.....	22 50
Marine Insurance.....	17 55
	<hr/>
	\$294 15
Premium on gold and custom-house charges.....	178 05
	<hr/>
	\$492 20
	<hr/>
Amount of invoice in round numbers.....	£130 00
Duty and charges on specie basis in sterling, at \$5 to the pound.....	90 00
	<hr/>
	£220 00
	<hr/>
	8½
Reduced to Federal money at the rate of \$8 50 to the pound.....	1,760 00
	<hr/>
	110 00
	<hr/>
	\$1,870 00
	<hr/>

It will be seen that the pound sterling is estimated at \$5 in American gold, which is higher than the actual rate of exchange, that being about \$4.83 to the pound; and therefore it is most favorable to the manufacturer.

Thus the package of goods which cost £130, or \$650 in gold (calling the pound sterling \$5), in England, actually cost \$1,870 in the paper currency of the United States, to import into this country, reckoning the difference of exchange at 80 per cent. premium, as it was at the date of the transaction. Add to the cost in this country, at \$1,870, the profits of the importer at 10 per cent., or \$187, and the cost to the purchaser in our market is \$2,057. At this point of their cost the goods come in competition with goods of the same kind produced by the home manufacturer. Thus he receives a protection or bounty on the same amount of goods (\$650) of \$1,407, or 217 per cent. *ad valorem*!

On the same operation, calculated on a specie basis, the results will be as follows: cost in Liverpool £130=\$650. Duties and charges £90=\$450. Total cost in this country, \$1,100. Add \$110 for the profits of the importer—whole sum \$1,210. Deduct first cost \$650, and there remains \$460 bounty to the home manufacturer on the same amount of goods, or 86 per cent. *ad valorem*! This transaction shows that the actual protection given to the manufacturers of woollen and India-rubber goods by the tariff of 1862 is more than double the rates assumed in my calculation, under the heads of Woollen and India-Rubber Manufactures, which were 35 and 40 per cent. *ad valorem*. My demonstrations on that basis are sufficiently startling, although they fall far below the actual fact.

This single transaction demonstrates beyond cavil the immense gains which the manufacturers are making by means of a protective tariff and a depreciated paper money system. Is it surprising that they grow rich? Will it be a matter of surprise if the people should grow poor and poorer under the operation of such a cunning system of injustice and robbery? The bandit baron who, in the middle ages, ravished his tribute money—

with mailed hand from the innocent wayfarer, or the navigator of the river which flowed past his castle, practised an honest system compared to the shrewd schemes of the present tariff system.

Again, if it still be thought that my calculations are inaccurate, I furnish the House with another actual transaction. Messrs. Parker, Gannett & Osgood, large importers of seeds, &c., in Boston, have furnished the following statement of the cost of importing an invoice of seeds :

Cost of seeds in England £40, exchange \$4 85.....	\$194 00
Cost of bags and casks.....	24 92
Consul's fees, &c.....	5 83
War risk, with insurance.....	12 00
Portage.....	75
Duties, 30 per cent., gold.....	\$67 50
Premium on gold.....	46 24
Permit.....	20
Bond.....	40
Stamps.....	80
Freight.....	21 45
	<hr/>
	186 59
Exchange on sterling, £40.....	161 24
	<hr/>
	\$535 33

Thus it costs in the depreciated currency of this country to import and land in Boston \$535.33 on an invoice of seeds costing only £40 in England, equal to \$194 in the gold currency of the United States. Add the importer's profits at 10 per cent., \$53.53, in the whole \$588.88, and we have the cost in our market at wholesale prices, or 205 per cent. advance on the first cost in England !

This transaction demonstrates that the profits of the home manufacturer, as I have calculated them, derived from the combined effects of a high tariff and a depreciated paper currency, are very far below the actual truth. Seeds do not come in competition with the home producer. Manufactured articles do compete with the home manufacturer, and on those descriptions of goods imported, the duty is much higher than 30 per cent. The statement above shows that under the present system the protection given to the home manufacturer cannot be less than 200 per cent., and in most instances a great deal more. The tables herein show that it is from 148 to 150 per cent ; but in most instances they omit freight, insurance, and other small charges ; and they are constructed on the basis of paper depreciated in the ratio of only \$160 for \$100 in gold.

Another fact is to be remarked in connection with the statement above. The importation was a quantity of seeds for the benefit of the farmer and gardener. They are taxed a duty of 30 per cent. *ad valorem*, payable in gold. In a table which I will hereafter insert, the House will see that all raw materials, dye stuffs, &c., used in manufacturing, are taxed with very low duties, and some are admitted duty free, rags, for instance, and some 71,000,000 of pounds of wool nearly free. This is justified by the speech just made by the gentleman from Vermont [Mr. MORRILL]. Thus the tariff of 1862 discriminates in almost every particular in favor of the manufacturer and against the farmer.

How long will the class which I represent—the agricultural portion of the community, the class which possesses in the aggregate three-fourths of the capital of the country, who produce the greatest share of its annual income, and who pay the greatest portion of its taxes—submit to be despoiled for the benefit of the manufacturing classes under the specious pretext that it is done to stimulate the industry of others, and is necessary for revenue to put down the rebellion and save the Union?

## RECAPITULATION.

I now propose to show the results of the preceding calculations in the condensed form of tables.

TABLE I.

Showing the cost of sundry articles imported from abroad at the place of importation; the cost in our market at the point of competition with the home manufacture, including original cost; difference of exchange; freight, on iron only; duties, and importer's profits, and bounties on the same amount of goods to the home manufacturer in dollars; and rates per cent., reckoned upon the basis of the standard gold currency of the United States:

ARTICLES.	Cost at Place of Importation.	Cost in our market, including exchange, &c.	Bounty to home manufacturers.	
			In dollars.	Rate per cent.
Iron, pig, . . . . .	\$542,952	\$1,167,668	\$624,710	115
“ railroad, . . . . .	1,858,979	3,619,287	1,760,808	94
“ bar, . . . . .	3,356,800	6,120,108	2,772,808	80
Cotton, manufacture of, . . .	24,647,648	39,041,867	14,394,219	58
Woollen, manufacture of, . .	27,750,371	43,956,886	16,206,215	58
Paper, manufacture of, . . .	509,542	811,512	301,970	59
Leather, manufacture of (tan'd)	2,437,592	3,727,825	1,289,485	53
Clothing, manufactured, . .	1,401,057	2,219,273	818,216	58
Boots and shoes, . . . . .	69,447	110,003	40,556	58
Soap and candles, . . . . .	108,953	172,579	63,628	58
India-rubber goods, . . . . .	282,687	447,761	165,074	58
	\$64,965,528	\$101,894,069	\$38,437,182	

These articles are selected because they come in competition with the largest classes of American manufactures. This and the following tables are reconstructed upon the basis of the importations of 1861, the census returns of 1860, and the rates of duty imposed by the tariff of 1862, reduced as nearly as they may be to the *ad valorem* standard. I have not included the fifty per cent. additional upon previous rates imposed by the recent joint resolution; nor the additional tariff of the present bill.

TABLE II.

Showing the cost of sundry articles imported from abroad at the place of importation; the cost in our market at the point of competition with the home manufacturer, including original cost; difference of exchange; freight, on iron only; duties, and importer's profits, and bounties on the same amount of goods to the home manufacturer in dollars, and rates per cent., reckoned on the basis of the paper currency of the United States, depreciated at the rate of only \$160 in paper to \$100 in gold.

ARTICLES.	Cost at place of importation.	Cost in our market, including exchange, &c.	Bounty to home manufacturers.	
			In dollars.	Rate per cent.
Iron, pig, . . . . .	\$542,952	\$1,685,801	\$142,849	210
" railroad, . . . . .	1,858,929	5,885,773	8,526,794	190
" bar, . . . . .	3,358,800	9,808,858	5,947,558	170
Cotton, manufacture of, . . .	24,647,648	61,274,040	36,226,412	148
Woollen, manufacture of, . .	27,750,871	68,987,420	41,237,049	148
Paper, manufacture of, . . .	509,542	1,266,720	757,178	148
Leather, manufacture of (tan'd)	2,437,592	5,845,785	3,408,193	140
Clothing, manufactured, . .	1,401,057	3,482,651	2,081,594	148
Boots and shoes, . . . . .	69,447	172,632	103,185	149
Soap and candles, . . . . .	108,953	270,856	161,704	150
India-rubber goods, . . . .	282,687	702,758	419,871	148
	\$64,965,528	\$158,377,794	\$95,411,887	

TABLE III.

Showing the value of sundry manufactures produced in the United States in 1860, the bounties received by the home manufacturer under the tariff of 1862, in rates per cent. and in dollars, and the aggregate of original value and bounties, reckoned according to the standard gold currency of the United States.

ARTICLES.	Value.	Bounty.		Aggregate Value and Bounty.
		Rate per cent.	In dollars.	
Iron, pig, . . . . .	\$19,500,000	115	\$22,425,000	\$41,925,000
" bar and rolled,* . . . .	22,000,000	87	19,140,000	41,140,000
Cotton, manufacture of, . . .	115,000,000	58	66,700,000	181,700,000
Woollen, manufacture of, . . .	69,000,000	58	40,020,000	109,020,000
Paper, manufacture of, . . . .	17,500,000	59	10,325,000	27,825,000
Leather (tanned), . . . . .	72,000,000	53	38,160,000	110,160,000
Clothing, manufactured, . . .	70,000,000	58	40,600,000	110,600,000
Boots and shoes, . . . . .	90,000,000	58	52,200,000	142,200,000
Soap and candles, . . . . .	17,000,000	58	9,860,000	26,860,000
India-rubber goods, . . . . .	5,729,900	58	3,323,342	9,053,242
	\$497,729,900		\$302,753,842	\$800,483,242

\* Average duty on iron—

Rolled, 94  
Bar, 80

2)174

87 per cent.

TABLE IV.

Showing the value of sundry manufactures produced in the United States in 1860, the bounties received by the home manufacturer under the tariff of 1862, in rates per cent. and in dollars, and the aggregate of original value and bounties reckoned according to the paper currency of the United States, depreciated only in the ratio of \$160 in paper to \$100 in gold.

ARTICLES.	Paper basis.	Bounty.		Aggregate Value and Bounty.
		Per cent.	In dollars.	
Iron, pig, . . . . .	\$19,500,000	210	\$40,950,000	\$60,450,000
“ bar and rolled,* . . .	22,000,000	180	89,600,000	61,600,000
Cotton, manufacture of, . .	115,000,000	148	169,200,000	284,200,000
Woollen, manufacture of, .	69,000,000	148	102,120,000	171,120,000
Paper, manufacture of, . .	17,500,000	148	25,900,000	43,400,000
Leather*(tanned), . . . .	72,000,000	140	100,800,000	172,800,000
Clothing manufactured, . .	70,000,000	148	103,600,000	178,600,000
Boots and shoes, . . . . .	90,000,000	149	134,100,000	224,100,000
Soap and candles, . . . .	17,000,000	150	25,500,000	42,500,000
India-rubber goods, . . . .	5,729,900	148	8,480,252	14,210,152
	\$497,729,900		\$750,250,252	\$1,247,620,152

Estimated according to the standard gold currency of the United States, on an aggregate value of \$497,729,900 of manufactured goods of the description stated in the foregoing tables, the home manufacturers, by reason of the difference in exchange, duties, and other expenses of importation of foreign articles of the same kind, together with the importer's profits, derive, through the agency of the system of protection established by the tariff of 1862, an aggregate bounty of \$302,753,342.

The tariff and the other expenses of importation enable the home manufacturers to charge and levy upon the people of the United States that enormous sum every year in gold; supposing the manufactures of the country to be the same in amount as in 1860, and the tariff the same as that of 1862.

If the rates are more, as this bill proposes to make them more, the sum will be greater; if less, it will be less accordingly.

The population of the United States in 1860 was 31,445,080 souls. Consequently the proportion per head of this enormous bounty exacted by the manufacturers in gold is \$9.62.

Estimated upon the basis of the irredeemable paper currency of the United States, depreciated only in the ratio of \$160 in paper to \$100 in gold, the aggregate bounty levied by the home manufacturers on the people of the United States on the same amount of domestic manufactures, namely, \$497,729,900, is \$750,250,252, or \$23.88 per head.

When, therefore, I propose to amend this bill so as to have these du-

\* Average duty on iron—

Railroad, 190  
Bar, 170

2)360

180 per cent.

ties payable in the paper currency like other public dues, I intend, with full knowledge of its effect, to strike off at least \$14.26 per head from the burdens which labor pays from its hard earnings to protect and pamper the "splendid paupers" who are thus living upon the bounty of others. I intend to save from the grasp of the millionaire and manufacturer, for the benefit of the poor man and consumer, the sum of \$447,496,910 on the rates of the tariff of 1862. If the people must pay bounty to the capitalist, is it not enough to pay it in the ordinary paper currency by which we are measuring other values? Is it not enough to pay a bounty in paper equal to the sum of \$302,753,342 now levied in gold upon the articles enumerated? Think of it! For the iron which we use in all its varieties of adaptation; for the cotton we wear, whether printed or plain, in the calico dress or the shirting; for the wool in blanket, carpet, or clothing; for the newspaper, book, and pamphlet; for the leather we use when tanned or manufactured into boots and shoes; for the clothing we buy already made up; for the soap and candles and India-rubber goods; for these only, under our tariff of 1862, and not counting our recent increase or the proposed increase of this bill, we pay as gratuity to one class of persons the enormous sum of \$750,250,252.

Will any one pretend that all this is for revenue? What! when the tariff does not raise one-tenth of that sum on all articles of importation! What, then, is this \$750,250,252 paid for? Not for war, not for debts, not for expenses. Is it possible that we have to pay on some ten articles only, in paper money, \$750,000,000 to get less than \$50,000,000 of revenue from them? Mr. Hays, comptroller of Chicago, with keen analysis, once showed that, by the tariff acts of 1846 and 1857, the people paid the startling sum of \$338,000,000 to afford the Federal Government a revenue of \$54,000,000; and he prophesied that by the tariff of 1862 the loss to the community would be still greater. How much greater is apparent from my calculations on the depreciated paper system and the increased duties of 1862!

"What, then, do you propose? To abolish all tariffs?" Yes. God save the people from these indirect and insidious robberies! In their name let such tariffs be abolished. Since you have begun on internal taxation, let all our revenues be thus levied. If you abolish the tariff of 1862, then, to pay the other taxes, you give to the people an increased ability to the amount of \$750,250,252 on the few articles alone which I enumerated; and how much more on all manufactured articles! Abolish your tariffs, and if your direct taxes are unfair they are not unfelt, and can be speedily corrected. Abolish your tariffs, and let every interest stand undisguised before the law; the farmer the equal of the manufacturer; the laboring man the equal of the millionaire. No mask of industry over the features of capital; no unjust discriminations; no despoiling one class of labor under the pretence of stimulating another; no unhealthy drugging of any one business by the robbery of another.

But instead of mitigating, you propose to aggravate these oppressions. By your joint resolution the other day you have added to these onerous rates of 1862 fifty per cent. more. If this is not to be continued after the 1st of July, we are at least to pay a large increase by the present bill. We are expected, we of the West, to pay our share of it—as I shall show,

the larger share—without murmur; because the war, instigated by the section which reaps most of these gigantic sums from our toil and sweat, demands our support!

Very well. For over two years we have submitted. But if we are to keep on patiently in submission, a few years will see all our resources sucked from us by these vampires of the East. If taxes must be raised for war or for debts, to pay for the peculations of scoundrels or for the patriotic service of soldiers, let them be levied directly, fairly, justly, that all may feel their operation, and the burdens, sufficiently great for a whole people, may not be borne by a part, and that part which is the least able to bear them.

The people are the victims of the joint robbery of a system of bounties under the guise of duties, and of an inconvertible and depreciated paper currency under the guise of money. Is it a cause of wonder that the manufacturers accumulate wealth so rapidly, that they grow rich within a year if they were poor before? This system is rapidly building up an aristocracy, composed of manufacturers and gamblers in irredeemable paper money. In the same proportion it is impoverishing the masses of the people. It is rapidly reducing them to the same level of destitution and degradation as that of the people of Europe. Only here it is worse, for here it is in combination with a depreciated paper-money system, which the aristocrats of Europe do not tolerate. This combination is rushing the American people along with headlong speed to inevitable ruin. In the name of the laboring people of my district and State, in behalf of those the results of whose toil are thus torn from their families to pamper wealth and arrogance, I protest against this system of oppression. In behalf of the poor men who work from day to day in shop and field, from whose labor at last all these millions are wrung; in behalf of those who cannot and do not combine to subsidize the press, fee lawyers, importune Congress; who cannot afford to take their little all from their families to pay sharp men for keen devices to "cheat by statute;" in their behalf I do challenge the honesty and justice of these measures.

Mr. Chairman, no man is now so wise and gifted that he can save this nation from bankruptcy. I believe the gentleman from Vermont [Mr. MORRILL] himself expressed his belief in our ultimate ruin.

Mr. MORRILL. I ask the gentleman to yield to me to correct his remark. I made no prophecy on the subject.

Mr. Cox. I am glad to be put right. I so understood him.

No borrowing system can save us. The scheme of making greenbacks a legal tender, which enabled the debtor to cheat his creditor, thereby playing the old game of kingcraft, to debase the currency in order to aid the designs of despotism, may float us for a while amidst the fluctuations and bubbles of the day; but as no one possesses the power to repeal the law of the Almighty, which decrees (and as our Constitution has established) that gold and silver shall be the standard of value in the world, so they will ever thus remain, notwithstanding the legislation of Congress. Congress may make paper the measure of prices, but it can never make paper the standard of value. Such a paper system in connection with this tariff will, sooner or later, crush labor in this country. What then? When our laboring masses shall have become sufficiently



impoverished by this system, will not the transition from a republic to a despotism be easy? Will not that phenomenon of tyranny, the armed soldier accompanying the tax-gatherer, occur here? Does not the question of taxation, therefore, involve the problem of liberty? Does not this system, against which in its every stage I have protested, involve an enormous wickedness against the interests and happiness of mankind?

The present tariff system has been devised for the benefit of the manufacturer, at the expense of the people, and yet it does not really aid the Treasury. If it makes the rich richer and the poor poorer, then, by this concentration of wealth in a few, the less is the proportion of it which will be paid into the Treasury. Sismondi, page 79, says that all returns show that the great amount of revenue is not paid by the rich, or even by the middle classes, but by the poor and those just above them. He holds that all attempts at taxation of luxuries have failed in productiveness. The state of the revenue depends mainly on the power of the poor to purchase the necessities and comforts of life. Hence, any system like this, which aggrandizes wealth in a few, destroys the great resources of revenue upon which we are to depend at last for our credit and our safety.

Again, as many of the duties are prohibitory, no revenue is derived from them, and the Treasury again loses. Under such duties, paper, boots and shoes, soap and candles, India-rubber fabrics, in fact nearly all the articles named in the foregoing tables, enjoy a monopoly in our market, while in many instances the tariff of 1862 permits certain articles used by the manufacturers to be imported either free or at nominal duties. For instance, rags free; India rubber, raw, 10 per cent.; lasting for ladies' boots and shoes and for soles, 10 per cent. In 1860, \$904,852 worth of paper rags were imported duty free. These rags went into manufactured paper, and upon that amount of stock, duty free, the paper makers were permitted to charge their enormous profits. And so with regard to other articles admitted with slight duty for the benefit of the manufacturer.

When the manufacturer produces an ample supply of goods for the home market, and has a large surplus for which he is compelled to seek a market abroad, it is just to exempt the raw material which he uses from duty, because he again carries it out of the country in the shape of manufactured goods. In that case, it operates so far as a drawback. Such is the policy of Great Britain. But when the manufacturer has the substantial control of the home market, through the agency of prohibitory duties, there can be no greater iniquity practised on the people than to permit him to tax his enormous profit upon the very article which the Government admits duty free, or nearly so. Is it not legalized robbery, more detestable in its enormity than the actual crime? Yet the party in power have inaugurated a tariff system which authorizes and sanctions this very iniquity.

The estimates from which I draw these conclusions cannot be precisely accurate. It is not assumed that they are. It is only claimed that they are an approximation to the truth. The most important element of error is the basis of the value of home manufactures in the census tables of 1860, whether the actual cost or the price by wholesale in market. Therefore, in order to state the case in the most favorable form for the home

manufacturer, I will assume that upon the basis of the depreciated paper currency of the United States, their profits or bounties are at the rate of 100 per cent., or in the aggregate \$497,729,900, or \$15.83 per head of the population of the United States.

To recapitulate. Rate of profit or bounty, reckoned upon the specie standard: \$497,729,900, it is \$302,753,342 bounty, or \$9.62 per head. Paper standard: \$497,729,900, it is \$750,250,252 bounty, or \$23.88 per head. Bounty at rate of 100 per cent.: \$497,729,900, it is \$497,729,900 bounty, or \$15.83 per head.

It will be observed that the first estimate I make upon the present tariff is on a specie basis. On this basis, the taxation, or tribute to the manufacturer, is at the rate of \$9.62 per head. My second estimate is made upon the same tariff and a paper-money basis depreciated in the ratio of \$160 to \$100. On this basis, the taxation or tribute is \$23.88 per head. My third estimate is upon the basis of allowing the manufacturer to receive a tribute of 100 per cent. On this basis the taxation or tribute is \$15.83 per head. These estimates are embodied in the three following tables, from which it will appear how the tribute is levied upon the various States :

TABLE 1 (*Specie basis*).

<i>States.</i>	<i>Population.</i>	<i>Per head.</i>	<i>Tribute.</i>
Indiana.....	1,350,428	\$9 62	\$12,991,117
Illinois.....	1,711,951	9 62	16,468,968
Iowa.....	674,913	9 62	6,492,663
Kentucky.....	1,155,684	9 62	11,117,680
Kansas.....	107,206	9 62	1,031,321
Michigan.....	749,113	9 62	7,206,467
Minnesota.....	172,123	9 62	1,655,832
Missouri.....	1,182,012	9 62	11,370,955
Nebraska.....	28,841	9 62	277,350
Ohio.....	2,389,511	9 62	22,506,095
Wisconsin.....	775,881	9 62	7,463,975
Aggregate.....	<u>10,247,663</u>	<u>\$9 62</u>	<u>\$99,582,415</u>

TABLE 2 (*Paper basis*).

<i>States.</i>	<i>Population.</i>	<i>Per head.</i>	<i>Tribute.</i>
Indiana.....	1,350,428	\$23 88	\$32,248,220
Illinois.....	1,711,951	23 88	40,880,928
Iowa.....	674,913	23 88	16,116,923
Kentucky.....	1,155,684	23 88	27,597,784
Kansas.....	107,206	23 88	2,560,079
Michigan.....	749,113	23 88	17,888,818
Minnesota.....	172,123	23 88	4,110,297
Missouri.....	1,182,012	23 88	28,226,446
Nebraska.....	28,841	23 88	688,623
Ohio.....	2,389,411	23 88	55,867,522
Wisconsin.....	775,881	23 88	18,528,038
Aggregate.....	<u>10,247,663</u>	<u>\$23 88</u>	<u>\$244,713,278</u>

TABLE 3 (*Bounty 100 per cent*).

<i>States.</i>	<i>Population.</i>	<i>Per head.</i>	<i>Tribute.</i>
Indiana.....	1,350,428	\$15 83	\$21,377,275
Illinois.....	1,711,951	15 83	27,100,184
Iowa.....	674,913	15 83	10,683,872
Kentucky.....	1,155,684	15 83	18,294,477
Kansas.....	107,206	15 83	1,697,821
Michigan.....	749,113	15 83	11,858,458
Minnesota.....	172,123	15 83	1,697,070
Missouri.....	1,182,012	15 83	18,711,250
Nebraska.....	28,841	15 83	456,553
Ohio.....	2,339,510	15 83	37,084,459
Wisconsin.....	775,881	15 83	11,282,196
Aggregate.....	10,247,663	\$15 83	\$160,193,115

Thus, it appears from the preceding tables that the tribute which the eleven western States pay to the manufacture of the country, residing mainly in the eastern States, in consequence of the falsely called protective system and paper-money system of this country, is, as reckoned

On the specie basis.....\$99,582,414, or \$9 62 per head.  
 " paper basis.....244,713,728, or 23 88 "  
 " basis of 100 per cent.....160,193,151, or 15 83 "

Whole consumption of the articles of manufacture named in the preceding tables three and four, including cost and tribute or bounty, is as follows:

On the specie basis.....\$25 45 per head.  
 " paper basis.....89 71 "  
 " basis of 100 per cent.....31 66 "

On reflection, every intelligent man will perceive that, allowing the manufacturers at the rate of 100 per cent. profit on the various fabrics and goods enumerated in the preceding tables, \$31.66 per head is not a large consumption to the people of the United States. The preceding tables and calculations develop the most astounding results. They show that a tariff system under the pretext of raising revenue for the use of the Government of the United States has, in this period of war when every dollar is needed, been so devised as to give the most extraordinary and unreasonable bounty to the manufacturing classes, in the case of many articles, virtually prohibiting the introduction of the competing article into the country.

#### PROTECTED AND NON-PROTECTED STATES.

From the facts which we have presented, and the tables showing the leading productions of the western States, it will be perceived that the States of the Union may be divided into two great classes—the protected States and the unprotected States. We speak in regard to their industrial interests.

The manufacturing States, mainly the New England States and Pennsylvania, are the protected States. The agricultural States are the unprotected States.

States that produce a commodity in such abundance as to furnish an ample supply for home consumption and a large surplus for markets abroad can derive no benefit from protective duties.

Our Government might impose a duty on wheat and flour which would be absolutely prohibitory, and it would not increase the prices of those articles in Chicago or New York. Thus the agricultural States derive no protection from the duties imposed by the present tariff on articles produced by agricultural industry. The men who devised the present tariff knew that a duty on corn, wheat, tobacco, or cotton, was of no possible benefit to the producers of those articles. They were only tubs thrown to the whale, put in the tariff for the purpose of deluding the ignorant and unreflecting with the mere pretence of justice.

Mr. MORRILL. I would like to ask the gentleman if he did not vote here the other day against the termination of the reciprocity treaty, the termination of which would admit all the agricultural products of Canada free of duty, and if it is possible to levy duties upon those agricultural products without a termination of the treaty?

Mr. COX. I do not precisely remember how I did vote upon it, but I know how I ought to have voted. The question got a little complicated. I am for allowing the largest liberty of interchange possible. I never was afraid of buying in the cheapest market and selling in the dearest market I could find. That is my doctrine, which I learned from a distinguished citizen of New England. I have never departed from that doctrine, and therefore I am in favor of the largest reciprocity treaty; believing that the larger it is the better it is for the mass of our people.

Mr. MORRILL. How does the gentleman propose to remedy the matter by having a treaty of perfect reciprocity and a system of tariff duties at the same time?

Mr. COX. I propose to extend it to all other articles as soon as I can reach them, and to abolish all indirect and insidious taxation in the shape of tariffs.

When interrupted I was showing that the tendency of the present tariff system, and in fact of all tariffs, revenue or protective, more or less is to drain wealth from the unprotected States and accumulate it in the protected States.

It can now be understood why New England accumulates wealth so much more rapidly than the western States. I know it is arrogantly said, "New England has more intelligence, thrift, invention, and industry." I need not deny that, and yet I can account for her immense gains on another principle.

The interests of New England, and especially of Massachusetts, are all subjects of protection or bounty directly from the General Government. We have shown how her leading manufacturing interests are protected. Her fishing interests are also encouraged by a direct bounty from the Treasury of the United States; a half million, I believe it is, being yearly paid to the fishermen of Massachusetts as a mere bounty, a gratuity without consideration. We in the West ask and get no bounty for the white fish of our lakes or the cat fish of our rivers.

We refer more particularly to Massachusetts, for the reason that to her agency more than to any other is to be attributed the civil war which now

devastates our country and threatens the destruction of its civil institutions and of republican liberty. That State has been the unceasing and unprincipled agitator, the fomentor of discord between the sections, the disseminator of fanatical and dogmatical opinion, and the assailant of the constitutional rights of other States; and has thus done more than all other States to bring our present calamities upon us. It is meet, therefore, that we should consider how much she has been benefited by the Union whose very existence she has put to such fearful hazard.

It is proper also, in this connection, to remark that while Massachusetts has been most benefited during the present war by the agency of the combined tariff and paper-money system, she has done the least to support the war. Under the various calls for troops up to March 1, 1864, Massachusetts has been reported deficient 20,592 men, a much larger number in proportion to her population than any other State; and in order to fill her quotas, instead of sending her own meddlesome and mischievous citizens into the field, and exposing their precious persons to the hazards of camp and battle, she has ransacked almost every State in the Union, and even Canada and Europe, for men, filling her regiments with worthless substitutes and negroes. She is coining money out of the precious blood of the land and the enormous waste of wealth in this terrible war, while she takes care that her own blood shall be preserved. She is the most arrogant and mischievous State, the most selfish and timid in the war which her mischievous propensities have provoked, and she has the least title of any of the States of the Union to the favors of the Government.

Mr. DAWES. It is not only an old story, but it had its origin and was nursed into growth by the men who are now arrayed as rebels against the Union; and my friend from Ohio is but repeating their old and stale charges, ground into impalpable powder by the truth long ago.

Mr. COX. I have heard the gentleman say that once before. I learned my principles not from any one in the South, but from Dr. Wayland, known in New England and throughout the country as a good and great man; and it would not invalidate his doctrines if Davis and Toombs should repeat them from morning till night and from year to year. It would not prove the truth or falsity of his principles. If Jefferson Davis should tell the gentleman that two and two make four, he would deny it. When Davis says that two and two make five, I deny it. Because a man now in rebellion, when once here, stated the truths and facts in economy, which I believe, while I disbelieve in secession, it does not militate against these economic truths that he believes in secession. It is not relevant to the argument for the gentleman to bring the heresies of secession here to disprove the injustice of the protective system on tariffs. I know many abolitionists—among them Wendell Phillips—who are free-trade men. Does it follow, therefore, that Wendell Phillips is a disunionist? I know he is a disunionist; but for another reason, and not for that.

Mr. DAWES. I am not troubling the gentleman with the inquiry as to where he learned his principles. That is a thing I have not the least concern about. What I said was that his charges against New England were an old story, first taught by the men who plotted and are now carrying on the rebellion, and the gentleman is but repeating them here. Where he got his principles will be a matter of the least concern to us of

New England, who have no disposition to follow them out or adopt them. The charges which he brings against New England to-day can be found, *in hæc verba*, in the speeches of southern nullifiers from John Calhoun clear down to the last of them who took his leave of us in this House in the Congress before the present.

Mr. Cox. That will do.

Mr. DAWES. That is all I want.

Mr. Cox. Because John C. Calhoun and such men disfavored the idea of bounties to manufacturers, and also favor that of secession, therefore any opposition to bounties is a fallacy like secession! According to that reasoning, Adam Smith was a secessionist; and the great body of eminent men who have been true economists—Sismondi, McCulloch, Cobden, and including even the venerable Dr. Wayland—who have laid down the doctrine which I have to-day advanced, must all be, regardless of the foolish anachronism, *secessionists*! Such is the result of the sapient argumentation of the gentleman from Massachusetts. Daniel Webster himself advocated free trade once for New England, and John C. Calhoun advocated protection. As Webster was for free trade, he was a secessionist, I suppose! The principles which I have applied to the facts stated do not depend upon who have announced them, but upon their truth. If those men in rebellion have argued in favor of truth on one subject, am I to give it up? If the devil should tell the truth, am I to deny it? The gentleman himself may; but he yields to the devil when he does it. I do not; therefore I do not yield to the gentleman. Neither is it true that I have copied in this argument the speeches of southern nullifiers *in hæc verba*. No argument on the tariff has ever been made on the basis of the census of 1860, and in connection with and in relation to our paper-money system. I venture to say that these views are as new as they are true.

The CHAIRMAN (Mr. SCHENCK). The hour of the gentleman from Ohio has expired.

Mr. MALLORY. I hope the gentleman will be allowed to conclude.

Unanimous consent being given,

Mr. Cox proceeded, as follows:

It may not be gratifying to the gentleman, but I propose to prove all I said, and shall exhibit, without fear of the charge of secession, the interests of Massachusetts which enjoy the protective bounties of the Federal Government at the expense of the people of other portions of the Union.

Capital invested and production of Massachusetts in the following manufactures in 1860:

	<i>Capital Invested.</i>	<i>Production.</i>
Cotton*.....	\$33,300,000	\$36,745,864
Woollen.....	10,179,500	12,781,514
Leather†.....	.....	10,540,056
Boots and shoes.....	11,169,277	46,440,209
Fisheries†.....	.....	9,300,542
	<hr/>	<hr/>
	\$54,648,777	\$115,662,185
In all manufactures.....	183,000,000	266,000,000

\* Cotton manufactured in New Hampshire, owned mainly in Massachusetts, should be added.....

13,780,000 16,661,531

† Capital not given in the census table.

In the above exhibit the House can see what immense interests Massachusetts possesses which enjoy protection and bounty, and why it is her Representatives are so sensitive when we of other States undertake to call her to account for her unrighteous gains. By applying the principle of calculation herein before applied to the manufacturing interests of the whole country, it can be ascertained how much in dollars and cents Massachusetts unjustly abstracts in the form of protective bounties from the people of the Union. Nor, in view of this exhibit, can any one be surprised that Massachusetts, located in a rigorous climate and possessed of a sterile soil, should accumulate wealth more rapidly than any other State.

We close our view of the operations of the tariff and paper-money system by appending sundry tables showing some of the leading unprotected products, contrasting the New England and western States. Perhaps my friend from Massachusetts may think before I am done, that the census was taken in Massachusetts by secessionists.

## UNPROTECTED PRODUCTS.

*Lumber.*

New England States.....	\$12,099,895
Western States.....	<u>33,274,793</u>

*Cattle.*

<i>New England States.</i>	<i>Head.</i>	<i>Western States.</i>	<i>Head.</i>
Maine.....	877,067	Illinois.....	1,505,581
New Hampshire.....	264,467	Indiana.....	1,170,005
Massachusetts.....	279,914	Iowa.....	536,354
Vermont.....	364,917	Kansas.....	87,859
Rhode Island.....	39,105	Kentucky.....	836,059
Connecticut.....	241,907	Michigan.....	534,267
	<u>1,567,377</u>	Minnesota.....	119,006
		Missouri.....	1,168,984
		Ohio.....	1,659,830
		Wisconsin.....	512,866
			<u>8,130,711</u>
In New England States.....			1,567,377
			<u>6,563,334</u>
Balance in favor of western States.....			

Here Mr. Cox gave the same details as to these States on other articles, of which the following is a

## RECAPITULATION.

<i>New England States.</i>	<i>Western States.</i>
Lumber, value.....\$12,099,895	Lumber, value.....\$33,274,793
Cattle, head.....1,567,377	Cattle, head.....8,130,711
Swine, number.....322,697	Swine, number.....13,498,328
Slaughtered animals, value.\$15,927,442	Slaughtered animals, value.\$73,663,587
Wheat, bushels.....1,456,011	Wheat, bushels.....100,656,545
Indian corn, bushels.....7,564,551	Indian corn, bushels.....462,012,098
Butter, pounds.....51,180,083	Butter, pounds.....164,991,279
Cheese, pounds.....21,479,396	Cheese, pounds.....30,615,403

*Balance in favor of Western States.*

Lumber, value.....	\$21,204,898
Cattle, head.....	6,563,334
Swine, number.....	13,175,631
Slaughtered animals, value.....	\$57,736,145
Wheat, bushels.....	99,200,534
Indian corn, bushels.....	454,447,547
Butter, pounds.....	113,811,196
Cheese, pounds.....	9,136,107

*Classification of States and Territories according to the Census of 1860.*

N. England States.	Middle States.	Western States.	Southern States.	Pacific States.
Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut.	New York, Pennsylvania, New Jersey, Delaware, Maryland, Dist. Columbia.	Ohio, Indiana, Michigan, Illinois, Wisconsin, Minnesota, Iowa, Missouri, Kentucky, Kansas, Nebraska.	Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Louisiana, Texas, Mississippi, Arkansas, Tennessee.	New Mexico, Utah, California, Oregon.

*Value of Cotton manufactured in 1860.*

New England States.....	\$80,301,535
Middle States.....	26,272,111
Southern States.....	7,172,293
Western States.....	1,391,987
<b>Aggregate.....</b>	<b>\$115,137,926</b>
<b>Massachusetts.....</b>	<b>\$36,735,864</b>
<b>New Hampshire (owned chiefly in Massachusetts).....</b>	<b>16,661,531</b>
	<b>\$53,397,395</b>

In consequence of the diminished supply of cotton, this branch of manufacture has considerably fallen off, but to what extent I have not the means of calculating.

*Value of Woollen manufactures in 1860.*

New England States.....	\$38,509,080
Middle States.....	24,100,488
Southern States.....	2,303,303
Western States.....	3,718,092
<b>Aggregate.....</b>	<b>\$68,630,963</b>
<b>In Massachusetts.....</b>	<b>\$18,930,000</b>

Since 1860, stimulated by the diminished supply of cotton goods, the woollen manufactures of the country have been more than doubled. In



relation to the increase of the woollen manufacture in the United States, the Boston Shipping List, under date of December 11, 1863, thus remarks :

"We have lately called attention to the rapid increase of woollen machinery, and the questionable policy of introducing woollen machinery into cotton mills now idle. The rush for woollens for some time past is starting up new mills in all directions. It is estimated that there has been added within the past eighteen months about 1,000 sets, an increase of 40 per cent., and manufacturers of machinery are full of contracts for several months in advance. The above does not include the woollen machinery in operation in Pennsylvania and other parts of the United States, which was not less than 1,000 sets eighteen months since, and the increase has doubtless been quite equal to the increase in the New England States. The product of all the machinery is estimated at from \$135,000,000 to \$150,000,000 worth of goods per annum."

*Value of Boots and Shoes made in 1860.*

New England States.....	\$54,767,077
Middle States.....	22,588,291
Southern States.....	2,729,327
Western States.....	9,465,205
Aggregate.....	<u>\$89,549,900</u>
In Massachusetts.....	<u>\$46,440,762</u>

*Value of Leather manufactured in 1860.*

New England States.....	\$16,833,871
Middle States.....	36,344,548
Southern States.....	4,074,496
Western States.....	5,980,457
Pacific States.....	851,469
Aggregate.....	<u>\$63,084,751</u>
In Massachusetts.....	<u>\$10,854,056</u>

*Value of manufactured Clothing in 1860.*

Whole amount.....	\$64,002,975
For product of each State see Preliminary Report of Census for 1860, page 175.	

*Value of paper manufactured in 1860.*

Amount.....	\$17,500,000
Census Report, page 191.	

*Value of Soap and Candles manufactured in 1860.*

Amount.....	\$7,000,000
Census Report, page 191.	

*Value of India-rubber Goods made in 1860.*

Amount.....	\$5,729,900
Census Report, page 185.	

*Discriminations in favor of the Manufacturer.*

Articles used in manufacturing, with duty annexed, under the Tariff of 1862:

	<i>Rate of Duty.</i>
Cowhides, raw.....	10 per cent.
Emeralds.....	5 "
Diamonds.....	5 "
Goat-skins, raw.....	10 "
Dyewood, extract of.....	10 "
Gems.....	5 "
Hatter's fur, cleaned.....	15 "
Lastings for shoes, &c.....	10 "
Sumach.....	10 "
Hare skins, undressed.....	10 "
Hides, pickled.....	10 "
" raw.....	10 "
" salted.....	10 "
India-rubber, unmanufactured.....	10 "
" milk of.....	10 "
Orchil.....	10 "
Pig tin.....	15 "
Reindeer skins, raw.....	10 "
Rubies.....	5 "
Sheep-skins in the wool.....	10 "
Shoddy.....	20 "
Silk.....	25 "
Skins, pickled.....	10 "
" dried.....	10 "
" fur, raw or undressed.....	10 "
" kid, undressed.....	10 "
Soda ash.....	free.
Muriatic acid.....	10 "
Nickel.....	10 "
Rags for the manufacture of paper.....	free.
Hair of alpaca goats and of other animals unknown, costing 18 cents per pound.....	5 "
Wool, where the value is less than 18 cents per pound.....	5 "
Wool, in the skin.....	10 "

This last duty on wool admits a large portion of the raw material used by the woollen manufacturer substantially free. In 1863 there was imported into the United States 71,882,128 pounds, costing \$12,290,630, averaging less than 17 cents per pound. The duty therefore on the quantity imported was about  $8\frac{1}{2}$  mills per pound. The wool is of a very fair grade, although dirty. It comes directly in competition with the American wool-grower. It is a discrimination in favor of the manufacturer against the farmer. And upon this quantity imported the manufacturer charges upon the consumer the enormous bounty which the combined tariff and paper-money systems enable him to charge.

I have shown to what an enormous extent labor is being robbed by the unjust discriminations in favor of the privileged few. We punish the robbery of one individual by another. We hang those who take human life with malice prepense. But what shall we say of a Government which robs one class by wholesale to gratify the avarice of another, or of a Congress which takes away from the laboring poor the "means whereby they live," which is life itself to them? Even political economy, rising out of its unimpassioned logic into the higher sphere of moral science, contemplates the existence of such outrages only to denounce them with in

dignation. That great and good man to whom I have referred, and from whose lips I learned the lessons of political economy and moral science, Dr. Wayland, thus analyzes, reprehends, and pictures the consequences of such oppressive legislation as that now proposed. He says :

"The right of property may be violated by society. It sometimes happens that society or government, which is its agent, though it may prevent the infliction of wrong by individuals upon individuals, is itself by no means averse to inflicting wrong or violating the right of individuals. This is done where Governments seize upon the property of individuals by mere arbitrary act, a form of tyranny with which all the nations of Europe were of old too well acquainted. It is also done by unjust legislation ; that is, when legislators, how well so ever chosen, enact unjust laws by which the property of a part or of the whole is unjustly taken away, or unjustly subjected to oppressive taxation.

"Of all the destructive agencies which can be brought to bear upon production, by far the most fatal is public oppression. It drinks up the spirit of a people by inflicting wrong through means of an agency which was created for the sole purpose of preventing wrong, and which was intended to be the ultimate and faithful refuge of the friendless. When the antidote to evil becomes the source of evil, what hope for man is left ? When society itself sets the example of peculation, what shall prevent the individuals of the society from imitating that example ? Hence, public injustice is always the prolific parent of private violence. The result is that capital emigrates, production ceases, and a nation either sinks down in hopeless despondence, or else the people, harassed beyond endurance and believing that their condition cannot be made worse by any change, rush into all the horrors of civil war ; the social elements are dissolved ; the sword enters every house ; the holiest ties which bind men together are severed ; and no prophet can predict at the beginning what will be the end."—*Wayland's Political Economy*, p. 115.

From the same wise source I have been taught that wars may keep the most enterprising and industrious nation always poor ; and that had Great Britain not expended in wars the incalculable sums—almost equal to our own expenditures—which the past hundred years might otherwise have added to her operative capital, there would hardly have remained the recollection of poverty on her shores.

We are pursuing her career, with this difference, that in war we are our own enemies : while we are exhausting our foe we are exhausting ourselves. We are approaching the abysses of poverty, therefore, inconceivably faster than ever England did.

No scheme was ever before devised in this or any other country so sure to accelerate a nation to its downfall as the present and proposed tariff. No scheme ever operated so thoroughly and rapidly to transfer wealth from the pockets of the many to those of the few ; from the hands of labor to the coffers of capital, and that, too, without a particle of consideration. If this system shall continue in operation even for the small period of five years, it will change the whole face of society in this country ; nor can I fail to see that the rich, who are rioting in the honest gains of the poor man, may share with the poor the horrors of that future. If in this once happy and prosperous land, poverty rises with its ghastly multitudes, to cut the throat of wealth and then gash itself in the wild impatience of its own hard fate, let the authors of this war and its unequal burdens bear the crime and curse, and seek such mercy as Heaven may grant to those who despoil the poor for the gratification of their unhalloved avarice. Gradually we are approaching that terrible future. This iniquitous tariff system is accomplishing the results aimed at by the leaders of old Federalism—the distinctions of classes, the subjugation of labor

to capital, the degradation of the masses, and the inauguration of a concentrated and strong Government.

Hence, said I not truly that this question involved the problem of liberty? For the party in power, in addition to their oppressive taxation, strike at the individuality and independence of the States—the great distinctive and conservative feature of our national system, and which is absolutely essential to the preservation of the liberties of the people. They have established a paper-money banking system, under the control of the General Government, which concentrates power in the Administration for the time being, and gives it control over the property and pecuniary interests of the people. They expend the people's money without scruple or stint, never listening to the suggestions of economy nor the admonitions of prudence, nor heeding the sufferings which follow from the burdens of taxation. Here they vote appropriations for every conceivable project, constitutional or not. They squander the public lands, one of the sources of revenue which can help to relieve the people from taxation, on every conceivable project suggested by speculation. They boldly and shamelessly bring the power of the national Government, both civil and military, in conflict with the freedom of elections and the liberty of the press. They virtually suppress these great franchises of the American people. In short, the party in power has instituted a crusade of perfidy against the institutions of the country and the liberties of the people, which they preach with exulting and shameless audacity, on the pretext of preserving the Union.

As the proper concomitant of these acts we have this tariff system, which is to be thrust on the patience of a hitherto long-forbearing people. Will they meekly bow to this new burden? It may be that there is no retributive justice in Heaven. We cannot, however, yet believe that the almighty Ruler of nations has abandoned our bleeding country to the caprice and wickedness of the leaders of the party in power. Despotic thrones, supported by absolute authority, have in the lapse of time been shaken and have fallen before the wrath of the Supreme Avenger, manifested through the awful might and passion of outraged peoples. Such is the lesson of history. Warned by such examples, the men now in power in this country need not hope to escape that retributive vengeance which their crimes against our country and constitutional liberty so justly merit.



#### THE IMMENSE APPROPRIATIONS SINCE THE WAR.—FUTURE QUESTIONS OF FINANCE.

On the 2d day of March, 1865, Mr. Cox introduced a measure to divide the Committee of Ways and Means; and briefly pointed out the immense issues involved in the financial questions which the war had produced:

In relation to the division of the Committee of Ways and Means, I desire to show the importance and immensity of the labor imposed upon

that committee, with a view to a division of the labor. We divide the Ways and Means into three committees. The Ways and Means are still preserved, and their future duty is to provide "ways and means," that is, raise revenue for carrying on the Government. This includes, of course, the tariff, the internal revenue, the loan bills, legal-tender notes, and all other matters connected with supporting the credit and raising money. The amendments confine the duty of the Committee of Ways and Means simply to ways and means. That was their original and proper sphere.

The proposed Committee on Appropriations have, under this amendment, the examination of the estimates of the Departments, and exclusively the consideration of all appropriations. I need not dilate upon the importance of having hereafter one committee to investigate with nicest heed all matters connected with economy. The tendency of the time is to extravagance in private and in public. We require of this new committee their whole labor in the restraint of extravagant and illegal appropriations.

As to the Committee on National Banks and Currency, that is not necessarily connected with the other committees. They have a different province. They have in charge all the banking interests of the country. These interests are so connected by the relations of exchanges and currency with bank issues and banking capital in the States, that it is as much as one committee can well do to study these questions properly. It is utterly impossible in the present condition of our finances that one committee can do all this labor, and do it as well as these interests demand. The Committee on Rules do not by this measure mean to cast any reflection upon the Committee of Ways and Means. They have labored faithfully, but no set of men, however enduring their patience, studious their habits, or gigantic their mental grasp, when overburdened with the labor incident to the existing monetary condition of the country growing out of this unparalleled civil strife, can do this labor as well as the people have a right to expect of their Representatives. Therefore we propose to divide the labor of the Committee of Ways and Means. We would not, and could not if we would, dim the lustre of their names, or depreciate the value of their services. I think that they have been well selected by the Speaker. They do not need any compliment from me. It is hardly necessary to mention them in order that the House may recall their conspicuous ability, their indefatigable industry, their abundant information, their legal talents, and their knowledge of finance.

Each member of the Ways and Means has his specialty—each Olympian; and as Spenser describes the gods,

"Each easy to be known by his own visnomie,  
But Jove above them all by his great looks and power imperial."

And yet, sir, powerfully as the committee is constituted, even their powers of endurance, physical and mental, are not adequate to the great duty which has been imposed by the emergencies of this historic time. It is an old adage, that "whoso wanteth rest will also want of might;" and even an Olympian would faint and flag if the burden of Atlas were not relieved by the broad shoulders of Hercules.

I might give here a detailed statement of the amount of business

thrown upon that committee since the commencement of the war. But I prefer to append it to my remarks. Whereas before the war we scarcely expended more than \$70,000,000 a year, now, during the five sessions of the last two Congresses, there has been an average appropriation of at least \$800,000,000 per session. The statement which I hold in my hand shows that during the first and extra session of the Thirty-seventh Congress there came appropriation bills from the Committee of Ways and Means amounting to \$226,691,457.99. I say nothing now of the loan and other fiscal bills emanating from that committee. During the second session of that Congress bills were reported to the amount of \$883,029,987.14; and during the last session of that Congress \$972,827,829.90. During the first session of the Thirty-eighth Congress appropriation bills were reported amounting to \$788,124,021.94, and during the present session I suppose it would be a fair estimate to take the appropriations of the last session of the Thirty-seventh Congress, say \$900,000,000!

These are appropriation bills alone. They are stupendous, and but poorly symbolize the immense labors which the internal revenue, tariff, and loan bills imposed on the committee. Neither do they represent the actual appropriations; for the House has frequently increased these bills enormously. The aggregate of these appropriation bills reaches the astounding amount of \$3,770,673,296.97, or nearly four thousand million dollars! For the army alone the appropriation bills during the past five sessions are over three thousand millions! And this business of appropriations is perhaps not one half of the labor of the committee. There are various and important matters upon which they act, but upon which they never report. Their duties comprehend all the varied interests of the United States; every element and branch of industry, and every dollar or dime of value. They are connected with taxation, tariffs, banking, loan bills, and ramify to every fibre of the body-politic. All the springs of wealth and labor are more or less influenced by the action of this committee. Their responsibility is immense, and their control almost imperial over the necessities, comforts, homes, hopes, and destinies of the people. All the values of the United States, which in the census of 1860 (page 194) amount to nearly seventeen thousand million dollars, or, to be exact, \$16,159,616,068, are affected by the action of that committee, even before their action is approved by the House. Those values fluctuate whenever the head of the Ways and Means rises in his place and proposes a measure. The price of every article we use trembles when he proposes a gold bill, or a loan bill, or any bill to tax directly or indirectly. In ten years these values increased at the rate of more than one hundred and twenty-six per cent., adding in one decade \$8,925,481,011 to our real and personal property. Since this war began these values have been drawn upon to give credit and cash to the Government, and so drawn upon that one-half of the increase and one-fourth of all of these values are already practically under mortgage. Can one committee properly pass upon the immense interests thus bound up, and reaching down to other generations? Not only every rood of land has now to sustain its living occupant, but it has to sustain soldiers in the field and sailors on the sea, who are not producing, but destroying, what is wrought from the soil. Nay, more, it has to pay its tribute to the creditor of the nation, not only

in the present, but to the inheritor of our national bonds. The laborer who works now his ten hours per diem, must work four hours more for the creditor of the nation. Thus is our nation being overburdened by the legislation of to-day ; burdened for the present and for the future. Is it not best to give every facility for the crystallization of the wisest financial policy? And does not this measure assume greater importance because of its far-reaching effects upon our finances and our future? Without discussing the wisdom of our present system of finance, is it not important, in this day when these debts are growing, to have the system as nearly safe and just as possible? Have we not already, like other nations, instead of providing for the principal, provided only for the interest of these great debts? What follows? That money borrowed, being obtained without sweat or sacrifice, is spent lightly, without economy or care. Dr. Arnold well says, that "a revenue raised at the expense of posterity is sure to be squandered wastefully. Waste begets want, and the sums raised by loans will commonly be large." If that be true, is it not a cogent reason for the separation of the old committee which borrows from the committee which pays? One will be a veto on the other ; and something of economy may be gained, and something of extravagance restrained.

Mr. Speaker, I do not propose to discuss this change of our rules in its details. But is there not a necessity for some change? Is it not wise to divide such labors as have been described? Who wishes to overwork any set of gentlemen in this or any future Congress? There are gentlemen who will be in the next Congress when this change shall take effect, who will be glad to share with the old committee the solution of these financial problems. These problems are soon to agitate the country above all other questions. Peace and war depend upon them. They rise higher than peace or war. They rise higher than the freedom and slavery of the blacks. Perpetual and enormous debt is slavery for body and mind. Hence the interests connected with these economical questions are of all questions those most momentous for the future. Parties, statesmanship, union, stability, all depend upon the manner in which these questions are dealt with. Shall the tariff be one of bounty or of revenue only? Shall a Chinese policy ward off all foreign interchange from our shores? Or shall protection, so long abandoned by the scientific and practical men of our generation, be again introduced into our economy? Shall taxes be levied equally on the rich and poor? Shall the funded debt of this nation be paid to the few in gold by the sweat of the many? Shall labor be held in thrall and branded as the serf of capital? Shall one interest or section be pampered at the expense and poverty of another? Shall we forever bury and keep buried the symmetric system of a gold and silver currency, as the standard of the Constitution and of nature, under the lush growth of greenbacks and paper promises? When this war shall end, and the present inflation has collapsed; when the "stocks on hand" of merchant and capitalist shall have suffered in the wreck of credit and crash of paper money; when "settling day" shall come and the meretricious splendors of fictitious wealth shall fade; when the diamonds of to-day shall become the paste of to-morrow; when speculation shall no longer flaunt its upstart pretension in the face of merit and modesty; when a

common ruin shall engulf both poor and rich; when the gilded vessel gliding so smoothly over this smooth summer sea of delusive prosperity shall meet the "whirlwind's sweepy sway;" then who will direct the whirlwind and who temper the storm? Why not now, in the present, look these dangers in the face, and by prescience avert them? As an adjunct in this work, let these finance committees have time and opportunity to do their work, and then it may be well done. This can only be done by a division of their labor as proposed by this amendment. Whichever party deals by these questions most nearly in the interests of labor—the procreant source of all wealth and taxes—that party will have and keep the ascendancy in the political control of the Government.



## II.

### SEDITION IN THE NORTH.

IMPARTIAL history will not fail to record the efforts and doctrines of those who held to the supremacy of a higher law than the Constitution. Although a resuscitation of such discussions may seem inappropriate, they have their lessons. I insert a series of speeches, mostly in the *ad hominem* vein, upon the lawlessness engendered at the North. Such conduct provoked its like. Some of those speeches have the dramatic form of quick and earnest colloquy. The sentiment which originally antagonized with the fugitive slave law, never flagged till its repeal in 1864. These speeches show the progress of the Republican party from the time it gave a faint and echoless voice against the Federal statutes as to slavery, until its antagonism became defiant and successful.

The first running debate, in which these tendencies of the Republican leaders were developed, was on the occasion of an attack by Mr. GIDDINGS, on the 15th of January, 1859, on the Democratic party for its complicity with the slave trade. In this debate he called out his younger colleague, whom he had accused of "skulking behind the bush." I pressed him on the question of negro suffrage in return. He was not ready to answer then, as he expected to be a candidate for Governor. Avoiding and still avoiding the questions propounded as to allowing negroes to vote, the colloquy ended thus :

Mr. Cox. Answer the question, sir. The gentleman talked about my hiding under the bush. Let him come out, if he dare, from his covert. [Laughter.]

Mr. GIDDINGS. I say that I do not interfere in this question as to superiority between the Democrats and the negroes.

Mr. Cox. He talk of his Democratic colleague skulking under the bush! He dare not answer my question. I will not press the gentleman further. My respect for him will not allow me to put him to the torture further. He never could get the nomination for the governorship if he had answered my question categorically ; and I am anxious he should be nominated. [Laughter.]

Mr. GIDDINGS. So far as the Democratic party is concerned, I repeat that I judge the Africans by their intelligence and virtue. I do not enter into the quarrel between them with the Republicans. I do not mean to put them on an equality with the Republicans.

Mr. Cox. The gentleman does not answer my question. I therefore will not press him further. All that I wished was to put the Democratic party right in regard to this matter of slavery; and they are right on it, being neither an anti-slavery nor a pro-slavery party. The gentleman may go on and get the nomination for the governorship, and make his alliance, if he can, in northern and southern Ohio, and we will meet him at Philippi.

It is enough to say that Mr. GIDDINGS never became a candidate for Governor. He was lectured by the Anti-Slavery Standard for not being more courageous in this debate for the right of the negro to vote. But he ceased not until his decease to advocate his radical notions. He was not returned to the 36th Congress. Subsequently, on the 9th of February, 1861, Mr. Cox had another running debate with the successor of Mr. GIDDINGS, in which (far too harshly) he characterized the ruinous effect of Mr. GIDDINGS's political views. This debate is thus reported :

#### NORTHERN NULLIFIERS.

Mr. Cox. I was surprised that my colleague from the Ashtabula district, at the conclusion of his attack upon my colleague (Governor CORWIN), should have attacked me. Why he did so, I know not; unless it be from the fact that I asked him a question in explanation of his argument about incendiary publications to provoke insurrection. I asked him the question, whether or not he was in favor of suppressing all such publications as the *Helper* book and Theodore Parker's programme, published in the *Tribune*, for the robbery and murder of masters by their slaves to obtain their freedom? The gentleman did not answer the question. He evaded it; for he knew that he represented a constituency who are continually preaching and publishing that very sedition of which my colleague [Mr. CORWIN] complained, and of which he [Mr. HUTCHINS] is the defender, and of which John Brown was the exemplar. The gentleman knew, when he covered his attack upon Governor CORWIN by his attack upon me, that he represented some of the very men who had been engaged in raids upon their neighbors' lives and property. I cannot, sir, fail to remember that his sensibility about certain disclosures that have transpired in relation to the Republican executive of Ohio, in refusing to deliver to Virginia such miscreants, is no doubt caused by the fact that some of the renegades and rascals of John Brown's conspiracy had a protecting ægis in the conspiring treason of his own district. I state these facts openly, and in my place, because they are wrongs, and with a view to their remedy by proper measures. But, sir, I wanted to call attention especially to an ungenerous attack upon myself. I did not expect it from the gentleman. He said I was always very busy in the House furnishing *facts*—yes,

*facts*, sir—for Southern members to attack the North here. I would like him to name the Southern man to whom I furnished facts, in the manner or for the purpose stated. Name him, if you can! I will pause for you to name one.

- Mr. HUTCHINS. I think that when the gentleman from Virginia, Mr. LEAKE, was discussing the conduct of Governor Dennison—

Mr. COX. Yes, sir; I was about to refer to that. I asked the privilege of Governor LEAKE to take the floor; and in my place I gave the *facts* to the House and the country, and not to Governor LEAKE; I gave them with a view to the proper remedy, and from no other motive. I meet these issues openly, here and elsewhere. I stand here with a duty to the whole country. I speak not alone for my own district and my own State. But when I have information that the Constitution and laws have been violated anywhere, and that gross wrongs have been done to our own mother State of Virginia and our own sister State of Kentucky, I will never hesitate, both here and at home, to denounce the unfaithful men, even though they do disgrace the State of Ohio. [Applause in the galleries.] The gentleman undertakes to acknowledge that I am a Union man. What an admission to ~~come~~ from the successor of Joshua R. Giddings! [Renewed applause.] How refreshing from a man like my colleague, who was nominated and elected because he was more radical than Mr. Giddings himself! Mr. Giddings could teach insurrection. We know how he taught it here for twenty years. He could organize conspiracies in the gentleman's district, for the purpose of attacking the officers of the law and defeating its execution—not stopping at murder to accomplish such designs. He could advise the "shooting down as pirates" of officers engaged in executing the laws of the United States. If Mr. Giddings, who had no scruples as to murder in defeating the law, was left at home, how far would the gentleman go, who superseded Mr. Giddings, because he was more ultra and reliable than Mr. Giddings?

Mr. HUTCHINS. Toward my colleague, personally, I entertain no other feeling than that of kindness. Against his political acts I have had, and now have, some little criticism to make; because, on every possible occasion that he could get the ear of this House, he has seen fit to denounce my constituents as enemies to the Union, and as abettors of the raid of John Brown. He even brought against the judges of the State the charge of singing the Marseillaise on the bench; and also against the citizens of the Western Reserve the same charge of singing the same patriotic song—through their noses. [Laughter.]

The gentleman has made an attack upon Mr. Giddings. He needs no defence from me. His acts in this House for twenty years will send the test of criticism now and hereafter. Attacks are frequently made upon him by members here; and I will only say, that his name will be remembered with gratitude when the names of those who assail him are forgotten. I deny that he has countenanced insurrection on this floor or elsewhere.

Now, this is all that I desired to say. I am willing that my constituents shall stand by their record, shall stand by their position. I will stand by mine. I am in favor of the Union as it is, and as our fathers gave it to us; but I do not think it can be preserved by sacrificing those

very principles on which it is based. If the cause of liberty is to be betrayed and crucified in the year of grace 1861, I trust that there will not be found among its apostles a betrayer and crucifier.

Mr. Cox. The last remark of the gentleman shows just where he is. He says he is for the Union, but with an "if and an and;" qualifying his remark with the phrase that he is only for the Union, "if *liberty* be not crucified." He knows, or ought to know, that the Union is the only shield of liberty. But he means, if he means any thing, that, if there be power in the Government to crush out slavery, either in the Territories or in States, then he is for the Union; but he is not for it, if it does not give that power. He is not for it, unless he can make it the instrument of his fanaticism. I say that I am for the Union, without qualification or condition, now and all the time. I will do what the gentleman will not—yield and compromise much for its salvation. The gentleman said in his speech a while ago, that I would be for the Union provided the Republican party should be crushed out. I do not know, Mr. Speaker, but that it may be necessary to roll the Juggernaut car over this Republican party to save the Union; but I would even be willing to give a lease of power for fifty years to that party, if I could see that it would conduct the Government on principles like those of my colleague (Mr. CORWIN), which would preserve the Union. I would be willing to surrender party supremacy, if thereby we could keep the old stars and stripes floating over the national Congress. [Applause.]

Mr. Speaker, there are various classes of Republicans. The gentleman [Mr. HUTCHINS] belongs to the worst of the Abolition wing; and well may he defend his predecessor, Mr. Giddings. That godless old man, after spending a public life devoted to hate, ill will, and sedition, was retired because he did one thing that was right—voted for the Crittenden-Montgomery bill. He has since been making up for his loss of office by the virulence of his spleen and the outlawry of his conduct. He has, as I have once shown here, instigated servile insurrections; and now, at the end of a misspent life, which is scarcely silvered by a ray of benignity, he finds, as the consequence of his teaching and conduct, a disrupted Union, a terrified people, and the prospect of unending hate and bloody strife. If there was mercy for the thief upon the cross, there may be mercy for him. God grant him repentance before he fills his dishonored grave! But what a life he has lived! He talked the language of love to the black race only to hide his hate for the white race who people our southern States. He paraded humanitarian phrases, and took upon his profane lips the name of God, only to cloak his malice and sanctify his hate. He has had, in specific wickedness, many rivals; but if we measure men's guilt by the objects upon which they are bent, who can tell the magnitude of that portentous crime which causelessly dismembers to destroy the American Republic? As such a Republic has no parallel, so such a criminal has no peer. But my colleague praises him and commends him to immortal honor! Nero had a friend, who placed *immortelles* upon his tomb, and the worst fiends of the French revolution had their defenders after death; but were this old man now dead, and thus powerless in his party at home, even my colleague would shrink from the task of embalming his bad memory. It will, after death, only be remembered to be execrated.

His late letters to my colleague [Mr. CORWIN] and his compatriot, Mr. EWING, show that age, which so often reclaims the most reprobate soul, has not withered—nor custom, which so often tires of its baleful work, has not staled—the infinite variety of his malice and his madness. History, in its record of this great anti-slavery sedition of the North, and the consequent revolution in the South, will only picture the whiteness of his hair, to contrast it with the blackness of that purpose, which for years and years has pursued a crusade whose terrible consummation is upon us, in the crumbling away of our States and the destruction of their unity.

The gentleman from Ohio [Mr. CORWIN] belongs to a different class of Republicans. He is of that class with which I most agree in these matters of conciliation for the Union. He has reported a proposition in respect to the return of fugitives from justice, which was in response to a resolution that I offered some time ago, and which is called for by a resolution offered within a few days by a leading Republican member of the Ohio Legislature. I am in favor of that measure of the Committee of Thirty-three. But my colleague [Mr. HUTCHINS] attacks it. Why? Because the United States Judges, and not a Republican Governor, will then be in the position to take the John Browns and Oliver Browns and Merriams out of his district, so that he cannot thereafter get their votes.

There are several classes of Republicans. There is a pious class; there is a cursing class; there is a fighting class; and there is a patriotic class. The gentleman [Mr. HUTCHINS] belongs to the pious class; they believe all they say. The doughty member from Ohio [Mr. ASHLEY]—who interfered so ungenerously to prevent me from replying—belongs to the cursing class. They do not believe any thing, but profess just enough to get them into Congress. The fighting class are very brave—in time of peace. I will not name those who belong to this class. Then there is another class, composed of those who have a leaven of patriotic feeling. My colleagues [Messrs. CORWIN and STANTON] belong to this latter class. But they have not the confidence of the body of their party in Ohio. [A voice: "How do you know that?"] How do I know it! Because your party in convention, last year and the year before, passed resolutions almost unanimously, that the fugitive slave law was unconstitutional, and should not be executed. Can you agree to that?

Mr. STANTON. The gentleman does not state the resolution correctly. Every member of the committee that reported it agreed to that resolution.

Mr. COX. I could state the very words of it, if it were necessary; and I have stated the meaning and the substance of it. It declared that the fugitive slave law was "subversive of both the rights of the States and the liberties of the people, and was contrary to the plainest duties of humanity and justice, and abhorrent to the moral sense of the civilized world." Is the gentleman in favor of executing an outrage upon the civilized world? [Laughter.] Yes, sir, his whole party are committed to the demoralization of the Federal authority, not only by such resolutions, but by judicial decision. Why, the gentleman himself [Mr. STANTON] voted for the chief justice of his State; and he knew, and they all knew, that when he was nominated and elected, the issue was made upon that judge's decision, overruling the decision of the Supreme Court of the United States in favor of the constitutionality of the fugitive slave law.

Here is where disunion begins. It begins at home, sir; in your own State and in your own party and in your own breast. Your party re-elected a man because he had nullified the Constitution; because he had broken the oath which he had taken before God, to support the Constitution of the United States. The whole party in that vote (including my colleagues) were guilty of moral treason. [Applause in the galleries.]

Mr. STANTON. I should like very much to have about five minutes to reply to my colleague. [Cries of "Go on!" and "Object!"]

Mr. BURNETT. I have no objection to the gentleman going on for five minutes, if his colleague [Mr. Cox] may have another five minutes in reply. I want to see a fair fight, if this thing is to go on. [Cries of "Agreed!"]

Mr. SICKLES. I desire to know, before the gentleman from Ohio proceeds with his remarks, whether it is understood that his colleague in front of me [Mr. Cox] is to have the right to reply.

It being "agreed" that Mr. Cox should respond, Mr. Stanton was allowed to speak.

Mr. STANTON. I do not care myself, personally, any thing about the remarks of my colleague; but for the sake of the truth of history, and to prevent misrepresentation of the party to which I belong, I desire to correct what has been so often said here, as to myself and the chairman of the Committee of Thirty-three not being representative men of the Republican party.

Now, sir, I was a member of the committee that reported the resolution to which my colleague has so frequently referred in debate upon this floor. I concurred in that resolution then, and I concur in it to-day. I hold a fugitive slave law which authorizes the capture of freemen without the slightest chance of trial, without a hearing before any court or any officer known to the law, to be an outrage upon civilization. Now, Mr. Speaker, when we denounced that fugitive slave law, we did not recognize the right of each man, upon his own responsibility, to nullify and resist its execution or to question its constitutionality. We understand perfectly well that that question is to be tested by the judicial tribunals; and I hold it to be the duty of every good citizen to acquiesce in the judgment of such tribunal, whatever it may be, until it shall be reversed by a higher tribunal. That is the position of the Republican party of Ohio. But, sir, I am told that I voted for a judge who held this fugitive slave law to be unconstitutional. I certainly did so vote, and I certainly shall always vote for a judge with strict reference to his integrity and his capacity, without considering the question as to whether I concur with him upon every decision he makes upon the bench or not. \* \* \*

Mr. Cox. My colleague from Ohio [Mr. STANTON] steps in advance of my colleague from the Ashtabula district [Mr. HUTCHINS], to shield him.

Mr. STANTON. Not at all.

Mr. Cox. Yes, sir; for he knows very well he is not as obnoxious, in the respect to which I referred, as the gentleman from the Ashtabula dis-

trict. The gentleman makes a sort of defence for his support of Judge Brinkerhoff. Now, sir, I have some respect for the gentleman from the Ashtabula district [Mr. HUTCHINS], because he believes what he says, and will stand up, under all circumstances, for the doctrines of his party. He defends Judge Brinkerhoff even in respect to the nullification of the fugitive slave law; but the other gentleman from Ohio says, "Oh, no! I do not defend Judge Brinkerhoff's nullification doctrine, but I voted for him, because I am for an independent judiciary." Well, sir, I do not take issue with him upon that point as to the independence of the judiciary; but I do take issue with him when he claims that such independence should be sustained when it becomes nullification. It may become those who think like myself, but it does not become gentlemen who voted for this judge, to find fault with southern men because they have nullified the Federal authority, when, by the confession of my colleague before the nation to-day, he, and two hundred and twelve thousand other Ohio Republicans, voted for a chief justice of that State on the question being made whether or not the Constitution of the country should stand. He voted by his own confession for a judge who had, in so far as he could, nullified that Constitution.

That judge had decided that "the decision of the United States Court on these questions should settle nothing;" and my colleague voted for him. He declared "against the omnipotence of the Federal power" with respect to these very questions fixed in the Constitution; and my colleague justified that judge by his vote, by his action, and by the action of his party. He did this on the direct issue being made and understood, from one end of the State to the other. Though he did not agree with his decision, yet he sustained the unjust judge. I would also vote for a judge, though I differed from him on a matter involving dollars, or a horse, or a contract, or something of that nature; but I will pause when his decision is subversive of order, law, authority, and the Constitution. When the Constitution of the country is at stake; when southern States are convulsed by the action of northern States, violative of confederative faith; when this very question is mooted from one end of the country to the other; then, for a great party to meet in convention, repudiate a law of Congress declared to be constitutional by the supreme judicial tribunal, and justify by nominating the man who had nullified it, is it not monstrous? Then for such men to come here and claim to support the Constitution and the Union! Why, sir, with some it may be ignorance; with others inconsistency; with the rest hypocrisy; but with all, treason! I shall leave to my colleagues their choice of these classifications. What have they done but broken down the Constitution by insidious sapping and mining—almost as bad, if not worse, than the bold, open, rebellious breaches of the laws of the United States, such as we unhappily see in our extreme southern States.

#### REPLY TO MR. CORWIN.—REVOLUTIONARY ABOLITIONISM.

On the 8th of December, 1859, Mr. Cox exposed all the seditious acts of the Republicans, compelled to do so as a vindication of the people of his State, who then discountenanced such conduct. This speech was

made during the contest for Speaker, when Mr. John Sherman was a candidate, and when Ohio politics were in question.

Mr. Cox. I wish that some other member from the State from which I come, would answer the very facetious and sophistical argument of my colleague from the district near my own [Mr. CORWIN]. I do not think, sir, that he differs so much from the Democratic party as perhaps his position here might lead us to believe. Nor do I believe that the masses of the Republican party in the State of Ohio approve of his sentiments as here enunciated. I have always thought in my own mind, that the distinguished gentleman—and I have always quietly given him a great deal of credit for it—went into the Republican party with his national sentiments, for the purpose of breaking down its sectionalism and destroying its distinctive features. But his speech to-day ought not to go to the country without some response from a Democratic member from his own State. This response I will endeavor to give, without premeditation or preparation.

It seems to me proper, as the nominee presented by the Republican party for Speaker is a Republican from the State of Ohio, that the politics of the Republican party of that State, of which he is an exponent, should be discussed. I am ready to say here, that that nominee is personally as unexceptionable to the Democratic party as any man of the other side, unless it might be my friend who has just taken his seat [Mr. CORWIN]. I know that my friend paid his respects to me and my district last year. He then charged me with inconsistencies which are not quite so glaring as those which he has exhibited here to-day. But I give my acknowledgment to the gentleman for the increased vote which the Democratic ticket received in that district, in consequence of the national speeches that he made there. A great many of the people of southern Ohio, national men, and Democrats, coincide in the remarks of my colleague [Mr. CORWIN]; but it is not true that what he has said embodies the principles of the Republican party. It is not true that he speaks for their organization in Ohio. It is not true that he speaks the sentiments of their platform. I will show you, before I sit down, that that organization is one subversive of the Constitution, one that strikes down the judges of the State for daring to sustain that Constitution, and that the men in that party in Ohio, who do not go along with the men who speak the abolition sentiment of the Western Reserve, are mercilessly slaughtered.

I know, sir, that gentlemen stand here upon this floor, representing Republican constituents, who have only a slight varnish of Republicanism. Old Whigs go before the State convention, make their speeches, and present their candidates—national men—but they are always overruled. Conventions are turned into slaughter houses for national men, who still cling to the Republican party. How was it in respect to striking down the chief justice of our State, for nobly doing his duty? I do not know whether the gentleman who aspires to be speaker indorsed that movement. I hope that he belonged to that other wing who sustained Judge Swan in his decision in favor of the constitutionality of the fugitive slave law. But the fact remains, and cannot be blotted out; and so long



as Ohio politics are now made a national matter, and the endeavor is to give them a national tinge and color, I want the country to understand its lawless and orderless character. How did that question come up in the last campaign of our State? I will give you the facts in a few words:

A Kentuckian lost his slave, who had escaped into Ohio. The slave went to the neighborhood of the University of Oberlin, and when he got there, he was aided and protected by that class of men who think that their inward convictions should be the highest law of their action, irrespective of constitutional obligation. The owner of that slave found a warrant for his action in the Constitution and the laws passed in pursuance of it. He went to the United States commissioner for the process of recapture. He proceeded lawfully. It was found that he had a right to reclaim the fugitive and take him back to his service. After obtaining his writ at Columbus, with United States officers, he went up to the neighborhood of Oberlin. There the slave was arrested, and after the arrest, a party of persons—Plumb, Peck, and others—rescued him from the custody of the proper officers of the Government. The United States officers did not choose to lie under the odium of failing to perform their duty. They came to the United States court at Cleveland, and there had these Oberlin rescuers indicted. They had them tried—these men who have, as they claim, the peculiar sanction of God Almighty to rise above law in this country. They were convicted. And what was the result?

Why, sir, a scheme was devised by the Republican party to break down that conviction. They started the idea that the law was unconstitutional. They sent for Judge Spalding, who is the fabricator of the Republican platform of 1856. He declared the fugitive slave law to be unconstitutional. It was urged that before punishment, the case should be taken before the Supreme Court. Down to the Supreme Court they went, black and white, lawyers and politicians, down to Columbus they hurried, to know whether the law was constitutional or not. What was the result? They found that we had five judges upon our supreme bench—three from southern Ohio and two from northern Ohio. You will bear in mind that there is a local sectionalism in the Republican party in Ohio, as there is a sectionalism in the Republican party outside. These five judges on our supreme bench were the tribunal to try the question. Judge Swan, one of my constituents, lived in Columbus. He was, as it were, between the extremes sectionally and politically. "Now," said these gentlemen, "we will make these judges decide this law to be unconstitutional. Judge Swan's time is nearly out—how can we reach him? We will do it by bringing this discussion before the Supreme Court. If he does not decide that law to be unconstitutional, and release these men who have been convicted, then we will put him to the political torture!" Accordingly, the eleven counties of the Western Reserve, which give the Republicans their majority in the State, were appealed to; and I want it understood that out of three hundred and fifty thousand votes cast in our State, there are one hundred and seventy-one thousand two hundred and sixty-six good Democratic voters who have no approbation for servile insurrection. [Applause upon the Democratic benches and in the galleries.] Well, sir, on this Western Reserve, these men asserted that the United States

officers ought to be hung as pirates, and with this inspiration formed a society which they called "The Sons of Liberty." But that would not do. The gentleman who preceded me [Mr. CORWIN] told us about the Cleveland convention. That convention was intended to intimidate Judge Swan. They passed resolutions for that purpose. When they came to that meeting, they marched through the streets with seditious banners and seditious music. I saw a description of it in a Republican paper. First marched the Sons of Liberty, with Giddings at their head—Giddings, who had upon this floor announced himself in favor of a servile insurrection. They marched through the streets with banners, which were revolutionary against the Federal Government, and which were appropriate to Harper's Ferry. One banner is noticeable. On one side of it is written: "Ashtabula, Regnante Populo." On the other: "Sons of Liberty, 1769—Down with the Stamp Act! 1859.—Down with the Fugitive Act!" Not "repeal it," for they were not then in favor of that. No Republican has risen in his seat here and moved to repeal that law. And now, though committed to its repeal by their resolutions passed in convention, there is not one of them who rises to move the repeal of that enactment; and the very gentleman [Mr. CORWIN] upon the committee who reported the resolution to the convention, and who sustained the nominee placed upon the platform then laid down, will not vote, as he has told us, in favor of the repeal of that law. It was "down with the fugitive slave law;" crush it in the dust; and, as if to give significance to their talk upon this subject, they marched through the streets to the music of the old French revolutionary song, the *Marseillaise Hymn*, that glorious inspiration of Democracy; that defiance, not against constitutional liberty, but against despotic kingcraft. I have understood that these "Sons of Liberty" and the students from Oberlin sung it in French. Now you know our friends from New England, who made up the Sons of Liberty, have a nasal twang peculiar to their singing, and the French language has the same peculiarity, and when the two were combined they produced the most thrilling effect in the streets of Cleveland. [Laughter.] *Aux armes citoyens! Formez bataillons!* [Great laughter.] I can imagine how it sounded. They marched down ten thousand strong and appointed Giddings their chairman. Who is he? We have heard him in this hall. We know who he is, and of what party are those who stood around him here and gave him aid and comfort as he preached disunion and sectional doctrine.

Yesterday, while the gentleman from Tennessee [Mr. NELSON] was addressing the House in one of these Union strains, in order to show up the disunionists, he quoted from the famous or infamous appeal in favor of servile insurrection, and of which the Harper's Ferry affair is the legitimate fruit. But the successor of Giddings arose and denied that that gentleman ever uttered such a sentiment upon this floor. That denial will not do. It is in the Congressional Globe, word for word, as the gentleman read it. It will be found on page 648 of the Globe of the first session of the Thirty-third Congress; and I will have it read, that gentlemen may see where the seed was sown of which this servile insurrection at Harper's Ferry was the inevitable sequence. Here is what Mr. Giddings said:

"Sir, I would intimidate no one; but I tell you there is a spirit in the North which will set at defiance all the low and unworthy machinations of this Executive, and of the minions of its power. When the contest shall come; when the thunder shall roll, and the lightning flash; when the slaves shall rise in the South; when, in imitation of the Cuban bondsmen, the southern slaves of the South shall feel that they are men; when they feel the stirring emotions of immortality, and recognize the stirring truth that they are men, and entitled to the rights which God has bestowed upon them; when the slaves shall feel that, and when masters shall turn pale and tremble, when their dwellings shall smoke, and dismay sit on each countenance, then, sir, I do not say 'we will laugh at your calamity, and mock when your fear cometh,' but I do say, when that time shall come, the lovers of our race will stand forth, and exert the legitimate powers of this Government for freedom. We shall then have constitutional power to act for the good of our country, and do justice to the slave. Then will we strike off the shackles from the limbs of the slaves. That will be a period when this Government will have power to act between slavery and freedom, and when it can make peace by giving freedom to the slaves. And let me tell you, Mr. Speaker, that that time hastens. It is rolling forward. The President is exerting a power that will hasten it, though not intended by him. I hail it as I do the approaching dawn of that political and moral millennium which I am well assured will come upon the world."

Mr. HUTCHINS. If I mistake not, the extract read from the Globe is not the extract quoted by the gentleman from Tennessee yesterday. That extract is as follows:

"I look forward to the day when there shall be a servile insurrection in the South; when the black man, armed with British bayonets, and led on by British officers, shall assert his freedom, and wage a war of extermination against his master. And though we may not mock at their calamity, nor laugh when their fear cometh, yet we will hail it as the dawn of a political millennium."

Is that, word for word, what the gentleman has read?

Mr. COX. I do not know nor care whether it is word for word, for I said yesterday that I had not compared it with the original. I said yesterday that the sentiment was the very same; but there it is, from the Globe, every whit as obnoxious.

Mr. HUTCHINS. That is another thing.

Mr. COX. Let me ask the gentleman if he indorses that sentiment?

Mr. HUTCHINS. I will say to the gentleman that, when the House is organized, and I can get the floor at the proper time, I will answer all questions which may be put to me; but I will not answer any now. [Hisses from the Democratic benches.] Will the gentleman allow me to ask him a question? [Cries of "Oh, no! that won't do!"]

Mr. COX. I understand that my colleague was sent here as the successor of Mr. Giddings, because he was even yet more radical than was Giddings himself, who was compelled to stay at home, because, in an unguarded moment, he voted for the Montgomery-Crittenden bill, which permitted the people of a Territory to form a constitution recognizing slavery. How that may be I know not; but in pursuance of my other statement, I will refer to the Appendix of the Congressional Globe, of the same session, page 418, where there has been some modification of that sentiment of Mr. Giddings, but not such a modification as to destroy the murderous force and seditious intent of the extract cited by the gentleman from Tennessee.

What I want to show, particularly to my colleague [Mr. CORWIN], who does not differ from me so much on this subject, is that in the last campaign in Ohio, he was supporting a platform entirely different from

his sentiments here proclaimed. He aided a man placed upon that platform who had no affinity with his doctrines in relation either to the fugitive slave law or to the perpetuity of the Union, or the sanctity of the constitutional compact.

MR. CORWIN. Are not the doctrines I put forward to-day the same as those avowed in Ohio by Governor Dennison?

MR. COX. I will answer. The gentleman sustained Governor Dennison. But mark you! at the same revolutionary meeting, Governor Dennison was present—

MR. CORWIN. No, he was not.

MR. COX. He was present, as I was about to say, by letter; more significant, because more premeditated, than by personal presence. And at that meeting, which was called for the purpose of breaking down the law and the Constitution, this letter from Governor Dennison, dated May 20, 1859, was read. I will read the concluding paragraph:

"Let me express my ardent hope that the proceedings of your convention may be such as will permanently contribute to the advancement of the sacred principles of freedom, justice, and humanity, which have been so violently assailed by the imprisonment in your county jail of Plumb and Peck and their devoted colleagues, under the insulting provisions of the fugitive slave act."

What does that mean? My venerable friend here says—

MR. CORWIN. Not venerable, if you please.

MR. COX. Well, my young friend from Ohio, then—in the presence of the ladies [Laughter]—my young friend says he supported Mr. Dennison, who was the embodiment of the principles of the party, and he sustained him in all his principles and all his conduct.

MR. CORWIN. I ask if Governor Dennison did not, in all his speeches in Ohio, advance the same doctrines as I did?

MR. COX. If Governor Dennison advanced the same doctrines as the gentleman, then he must have run counter to his own most deliberate written statement. He says, in effect—"You, Plumb, and you, Peck, and all your 'devoted colleagues' now in jail for breaking the law of the United States; you men who have rescued from the United States officers one properly in their charge; you who were guilty of breaking the law and the Constitution, you were engaged in the cause of liberty, humanity, and justice"—forsooth! And the gentleman says he sustained Mr. Dennison, and the sentiments which he advocated. If he thus sustained him, he sustained for justice that which breaks down the courts; he sustained for humanity and liberty that which will break down the Constitution, which under God is the best and the most refined system of polity ever vouchsafed to man for civil government. [Great applause.]

MR. ASHLEY. Did not the so-called Democratic party sustain Judge Ranney? And did not Ranney oppose the fugitive slave law?

MR. COX. As to the last question—no, sir! Judge Ranney stood by the fugitive slave law after it was enacted. Yes, and the old Whig party, too, in 1850, of which Gov. Dennison was a member, of which he was the presidential elector, approved in their platform the compromise measures, including the fugitive slave law, as a finality on that subject. The gentleman near me [Mr. BINGHAM], I believe, then sustained the same measures. But last year they were found in convention voting against

that finality. They regarded it as a dead letter. It was of no consequence any longer with reference to this Government. The comity between the States was nothing. They yielded to the "pressure" referred to by the gentleman [Mr. CORWIN], which came from the Reserve.

Mr. BINGHAM. I understand my colleague to make the remark that, in the year 1850, I approved of the fugitive slave act. I beg leave to say that my colleague has fallen unintentionally into a great mistake in reference to that. In 1850, according to my recollection, and I do not think I am mistaken, there was a convention in session in the city of Nashville which had for its avowed object the disruption and destruction of the American Union and Constitution. A convention was called in Cincinnati for the purpose of denouncing—

Several VOICES. That is not so.

Mr. COX. I ask you simply, whether you sustained the fugitive slave law?

Mr. BINGHAM. I tell the gentleman that I did no such thing.

Mr. COX. I am satisfied with the gentleman's answer.

Mr. BINGHAM. But will the gentleman do me the justice to permit me to state what I did do?

Mr. COX. I ask you whether you did or not, at Cincinnati, at a Union meeting, make a speech sustaining the compromise measures of 1850, including the fugitive slave law?

Mr. BINGHAM. I did no such thing.

Mr. COX. Then, sir, you are wrongly reported in the city papers.

Mr. BINGHAM. And in the same city paper I am reported as dissenting openly and publicly in that speech to a resolution which declared that law constitutional; and I dissent from it to-day as I did then. The speech to which I refer was very imperfectly reported in the papers.

Mr. COX. Oh! that was it! Do you agree with my distinguished friend [Mr. CORWIN] in regard to its constitutionality?

Mr. BINGHAM. I do not agree with him or any other man as to its being constitutional.

Mr. COX. Then, where are we to find any harmony in the Republican party on this subject?

Mr. BINGHAM. I answer by saying, that you will find no such harmony in your own party.

Mr. COX. That is no answer, sir. Our distinguished friend [Mr. CORWIN] who spoke to-day, says that he is the embodiment of that party; and the gentleman here [Mr. BINGHAM] must be a rebel. I do not understand where the head or the tail of the Republican party is. Is the gentleman [Mr. CORWIN] the head or the tail? [Great laughter.] I think of it as the Irishman thought of the elephant—"there is sure a tail at both ends of the animal." [Great laughter.]

Now, I ask my distinguished friend, who is the candidate for Speaker [Mr. SHERMAN], whether or not he believes in the constitutionality of the fugitive slave law? I hope my friend will do me the courtesy to answer this question. It is a serious matter. It relates to one of the compromises of the Constitution; one of the sacred compacts under which the Republic was organized, and without which it could not have been made and could not continue to exist.

Mr. SHERMAN. I decline, as I did the other day, to answer any interrogatories.

Mr. COX. I did not hear my colleague.

Mr. SHERMAN. I will repeat it; I decline to answer the interrogatory of my colleague, as he knew I would; and I will state to him, and to gentlemen on the other side of the House, that I stand upon my public record. I do not expect the support of gentlemen on that side of the House, who have, for the last four years, been engaged in a series of measures, none of which I approve. I have no answers to give to them. [Applause and hisses.]

Mr. COX. I do not know what contest is meant in which the gentleman has so conspicuous a record. If it was in relation to slavery in the Territories, or the admission of new States, I do not think his record is so very definite upon that subject that he can treat my question so cavalierly; for when the State of Oregon came here with a constitution which was free and made by the people—free, and made so by enough of them, where was the record of the present candidate for Speaker then? Why, sir, when that vote was taken, or just before it was taken, when he had a chance to manifest his sympathy in favor of a free State on the Pacific, which was knocking at the door for admission, how did he treat those noble Republicans who cry aloud for freedom in his State? Why, by going precipitately out of yonder door. [Roars of laughter and applause.]

Mr. SHERMAN. Did I understand my colleague to allude to me as evading a vote?

Mr. COX. I saw the gentleman in the hall before the vote was taken—but a few moments before.

Mr. SHERMAN. Upon what question?

Mr. COX. The Oregon question.

Mr. SHERMAN. Mr. Clerk, allow me to say to my colleague—

MEMBERS on the Democratic side. Don't yield to him. He declines to answer questions.

Mr. COX. I will hear my colleague.

Mr. SHERMAN. I will say to my colleague that I never evade a vote. Uniformly upon all questions relating to the admission of Oregon, I voted against it. I was engaged at the time of the final vote on a special committee of this House, and I went down to the committee room with a gentleman on the other side.

Mr. COX. And yet every other member of your committee was here to vote at the time the vote was taken! Mr. Clerk, the gentleman says he voted against the admission of Oregon in all its preliminary stages, but when it came to the cap-sheaf—when there was a fair opportunity of extending the last vote of welcome to the expected sister State—when there was chance to put the apex upon freedom's pyramid—he was not there!

Now, I only wish to expose the inconsistent, heterogeneous elements which make up this mosaic, called Republicanism in Ohio. What are they? Mr. Dennison, their candidate for Governor, as I have already said, was an old line Whig in 1850, was a General Scott elector in 1852, and sustained the platform of the Whig party, which said the fugitive slave law and the compromise of 1850 were a finality. He

changed round this year, and, by the aid of the distinguished gentleman who last spoke, was made Governor of Ohio, by the votes of the Western Reserve men to whom he bowed in the dust. By the letter I have quoted, you will see that he changed all his notions as to the fugitive slave act and the compromises of 1850. He hailed the infraction of the Constitution as justice; he hailed the breaking of the law as liberty; he hailed the rescuing of the law-breakers as humanity. And then he went out to the people and undertook to say to one portion that he was an old-line Whig, and to another he sang the Marseillaise Hymn with these Oberlin gentlemen. Now, I propose to read the rest of his letter. I wish to show who was the candidate sustained by these national Republicans from Ohio, including the gentleman [Mr. CORWIN]. He said further:

"And in the contest between the antagonisms of freedom and slavery, forced upon us by the southern oligarchy and its northern allies, we may at all times prove ourselves worthy descendants of the heroic founders of the Republic, who declared one of the great purposes of the Federal Constitution to be the securing to themselves and their posterity 'the blessings of liberty.' Accept the assurance of my sincere regard personally, and my uncompromising hostility to slavery and despotism in every form."

Well now, sir, what further took place at the meeting to which this letter was addressed? Why, I will tell you. Mr. Giddings, whose sentiments were the natural antecedents and causes of the Harper's Ferry affair, dismissed that convention of ten thousand with a benediction, and they all came down to the city of Columbus, black and white, to find out whether or not the Supreme Court would decide adversely to the constitutionality of the fugitive slave law. They thought they had it all right. Judge Swan's time was nearly out. They thought they would hold this abolition rod from Cleveland over him. But, before I go further upon this point, allow me to say that Governor Chase was at that meeting in Cleveland, but he did not counsel exactly as my distinguished friend [Mr. CORWIN] has said he did. He did not counsel them to fight this matter at the ballot-box altogether. He got up in that meeting of disorganizers and revolutionists with their Marseillaise Hymn, and their cries and shrieks of "Down with the fugitive slave law!" and he laid his hand upon his heart, or that particular part of his anatomy where his heart is supposed to reside [applause and hisses], and he said:

"Some of the most respected citizens of the State, whom he had known for years, had done what they believed to be right, and which not one man in ten thousand would look up into the blue sky, with his hand on his heart, and say was not right."

"This case has been brought before the courts of the State, and they are bound to carry out their duty under such a view of it. If the process for the release of any prisoner should issue from the courts of the State, he was free to say that so long as Ohio was a sovereign State, that process should be executed."

He promised that if the Supreme Court of Ohio, at Columbus, should decide that law to be unconstitutional, as he thought it was unconstitutional, that for one, as chief magistrate and commander-in-chief of the forces of our State, he would see that that nullification was made effective, even to the shedding of the blood of our citizens. [Laughter from the Republican side.] Yes, sir, let them laugh over it. It is nevertheless true, that they came down to Columbus, with some of your Harper's Ferry cutthroats among them, armed, to break down the laws of the United States, with pistols and knives—black men and white men—to despoil the

State of Ohio of its fair reputation as one of the faithful States of this Confederacy.

Well, it happened that they reckoned without their host. Judge Swan delivered the opinion of the majority of the court. Though he had been a Republican, and had received eighty thousand majority on their ticket in 1854, he held that for sixty years the law of 1793 had been upon the statute book, acquiesced in and sustained, and that the law of 1850, amending it, had been, by the same authority, sustained by the Supreme Courts of Massachusetts, of Rhode Island, of Pennsylvania, of Indiana, and of California, and by the Supreme Court of Ohio on the circuit; and that the Wisconsin case, if properly examined, was no exception to the general rule, which decided that the act of 1793 and its amendment of 1850 were constitutional acts. Here is the exact language:

"Whatever differences of opinion may now exist in the public mind, as to the power of Congress to punish rescuers, as provided in the acts of 1793 and 1850, no such vital blow is given either to constitutional rights or State sovereignty by Congress thus enacting a law to punish a violation of the Constitution of the United States as to demand of this court the organization of resistance. If, after more than sixty years of acquiescence, by all departments of the national and State governments, in the power of Congress to provide for the punishment of rescuers of escaped slaves, that power is to be disregarded, and all laws which may be passed by Congress on this subject from henceforth are to be persistently resisted and nullified, the work of revolution should not be begun by the conservators of the public peace."

And, as a fit and eloquent climax to his decision, he used this expression, as nearly as I can give it:

"As a citizen, I would not deliberately violate the Constitution or the law by interference with fugitives from service. But if a weary, frightened slave should appeal to me to protect him from his pursuers, it is possible I might momentarily forget my allegiance to the law and Constitution, and give him a covert from those who were on his track; there are, no doubt, many slaveholders who would thus follow the instincts of human sympathy. And if I did it, and was prosecuted, condemned, and imprisoned, and brought by my counsel before this tribunal on a *habeas corpus*, and was then permitted to pronounce judgment in my own case, I trust I should have the moral courage to say, before God and the country, as I am now compelled to say, under the solemn duties of a judge, bound by my official oath to sustain the supremacy of the Constitution and the law: 'The prisoner must be remanded.'"

That was the decision of our best judge in Ohio, our chief justice. He was a man of spotless integrity of character, who held the balance of justice equipoised between high and low, rich and poor. He was learned, impartial, and decisive for the right. In all respects he was an upright judge. And for deciding thus, mark you, for being an impediment in the way of the ambition of our Republican Governor, for refusing to aid these higher-law fanatics of the Reserve, for refusing to serve under Joshua R. Giddings and his companions, who counselled that the United States officers should be shot down as pirates—for doing that, the Republican convention struck his name from the roll of judges as unfit to wear the ermine! He was not pliant to the purposes of higher-law fanaticism! And my colleague [Mr. CORWIN] sustained the convention in this lawless proceeding. I know that in the campaign which followed he preached strong and well against these disorganizers; but I never could understand why he took the stand-point he did, from which to hurl his thunders



against the orderless miscreants of our State. There was one party where he might have done it with consistency.

When the Republican convention voted, as he confesses they did, and voted unanimously, that the fugitive slave law was "subversive of both the rights of the States and the liberties of the people, and contrary to the plainest duties of humanity and justice, and abhorrent to the moral sense of the civilized world," and when they demanded its repeal, where, I submit to him, does it place him before the country? He admitted, in reply to my question, that as one of Mr. Fillmore's Cabinet he approved of that law; he thinks it constitutional; he will not repeal it. Yet he contented himself with voting against it in committee. He allowed it to pass the convention without dissent. He supported the candidates who were associated with its most solemn declaration, and who accepted nominations from the same convention. And yet further, he went forth to battle in the State against the very platform and for the very candidates thus placed before the people. Am I not right, then, in saying that there was no other mode by which he could be consistent and national, except by coming over to the Democratic organization, and fighting with them for the integrity of the laws and of the Constitution?

That there may be no mistake, let me refer to the resolution of the Republicans of Ohio:

"3. *Resolved*, That proclaiming our determination rigidly to respect the constitutional obligations imposed upon the State by the Federal compact, we maintain the union of the States, the rights of the States, and the liberties of the people; and, in order to attain these important ends, we demand the repeal of the fugitive slave act of 1850, as it is subversive of both the rights of the States and the liberties of the people, and as contrary to the plainest duties of humanity and justice, and abhorrent to the moral sense of the civilized world."

Now, what explanation does the gentleman give us of this remarkable resolution? He tells us that there was a clause in it, when before the committee, "that the fugitive slave law was unconstitutional, and that it was stricken out before reported." Ay, sir, that was the compromise that was made in the committee. After striking that out to please the weaker wing, then to please the dominant abolition wing they go right into the convention and strike down the man who had decided it to be constitutional. Is not this a much more emphatic condemnation of that law as unconstitutional, than any resolution? If I had time, I would weary the House with the evidence from Republican journals and leaders, showing that Judge Swan was thus immolated, and because of that very decision. The selection of his competitor, Judge Gholson, was not from convenience of locality. It was because he was recommended as a practical Abolitionist, who had freed his slaves in Mississippi.

Well, Mr. Clerk, I might pursue this matter further. I have heard my friend here [Mr. CORWIN] make appeals to the patriotic, the order-loving, the law-abiding people of our State and of my own city. The very night after the convention was held, I heard him make a speech in Columbus. I happened to be in the audience among some of the gentlemen from the Reserve while he was speaking, and many of them thought—and gave expression to their thoughts—that he was making a Democratic speech. [Much laughter.] I heard a gentleman in my neighbor-

hood say that he believed the pro-slavery men had "yanked Governor Corwin right round" on this question, and that "his speech was no better than one of your cursed Loco-foco speeches." [Roars of laughter.]

Now, you see the position of this Ohio Republican party. I venture the assertion that if we could poll the members of the Ohio delegation on the other side of the House, we should find them, perhaps, equally divided on this momentous question on which the union of the States is founded, and without which it never could have been made. I think that perhaps my friend on the right [Mr. CORWIN] would be in a minority if he were to poll the delegation. He shakes his head. How do you think it stands? You have how many members?

Mr. VALLANDIGHAM. Fifteen.

Mr. Cox. You have fifteen members of the delegation. Did you ever poll them? No? You do not know how they stand upon this question. Well, my impression is that you are in a minority, and if you do want to hold a class-meeting some time, as you said, and will call in your Democratic brethren, we will take the *sense* or the census of the meeting. [Great laughter.]

I was gratified, Mr. Clerk, to hear our friend here give us a little dialectics on the subject of the higher law. I would have been glad if it had been delivered in Ohio—in Cleveland—before the Harper's Ferry foray took place, before the disunion meeting there the other day. Perhaps he did deliver it. I know he did deliver some portions of it. But Mr. Wendell Phillips, whom he denounces here so eloquently, is, as I claim, in his logic and in his philosophy, the very exponent of the Republican theory and doctrine; and I will show you how I will prove it. He holds to the idea of individual sovereignty.

A MEMBER. Squatter sovereignty?

Mr. Cox. No, sir; not squatter sovereignty, nor territorial sovereignty, nor congressional sovereignty. He opposes congressional sovereignty, as Republicans oppose it, unless it prohibits slavery. He opposes popular sovereignty all the time, as Republicans do; and I will show you wherein he agrees with the Republican party in its philosophy. He says that there can be no civil society unless every individual member of it bows to its authority. He says that Governor Wise had no more right to hang John Brown than John Brown had to hang Governor Wise. In his opinion, the State of Virginia is no more than a piratical crew. He says that there can be no majority, no minority. Any thing which comes into opposition with his convictions must go down before those convictions, not excepting even the Constitution and laws of the country. Herein he is in harmony with the dominant segment of the Republican party. That is the doctrine of Governor Chase, applied to the Territories. My distinguished friend [Mr. CORWIN] shakes his head. I will tell him where he will find it. He will find it in his message of January, 1857, where he says that he believes that the right of property in man cannot be created by any civil government; that there is no power in any organized civil community to create the relation of master and slave; that no majority in a Territory, while such, or when it frames a State constitution, can create the relation of master and slave. He would hold that each individual has the right for himself to decide all these questions pertain-

ing to personal liberty, any law to the contrary notwithstanding. Is not this the Republican doctrine? Hence Governor Chase is logical when he says that Congress may prohibit slavery, but that it has no power to establish it. He would be logical, if he said that the people of a Territory, by majority, might prohibit slavery, but have no power to establish it. That is the legitimate consequence of this individual sovereignty preached by your Wendell Phillipses. If it has not been avowed by my honorable friend, at least he has indorsed the indorser of it. He says: "Never!" Why, in Columbus one year ago—I have the paper here—you paid your attention to my district. There you shook hands with Governor Chase, on Goodale Park platform—did you not? You said that you had voted for him, and had stood by him. Do you not remember how facetiously you remarked on your own countenance? You had furnished your complexion to the party, and he the colored principle. [Great laughter.] I remember. Don't you remember how cordially you embraced? You shake your head again. Pardon me. I do not mean a bodily embrace—no, by no manner of means; but you had a most affectionate political hug before the people of Ohio! [Renewed laughter.] What, then, did the gentleman indorse in Governor Chase? He indorsed the individual sovereignty of Wendell Phillips, as applied by Governor Chase to civil society and the institution of slavery in the Territories. It is the same doctrine that these fanatics have. They have a great family of isms. You can tell them all by their hereditary marks of insanity. [Laughter.] Read in the Tribune the enunciation of free-love. Stephen Pearl Andrews comes out—and mark how his logic suits Mr. Wendell Phillips, Governor Chase, and the whole Republican party. Stephen Pearl Andrews says that he is for individual sovereignty, not in reference to slavery in the Territories, but in reference to the affectional nature. [Laughter.] He is opposed to any affinity with any man or woman who does not come up squarely to the idea of free-love, unrestrained by the marriage relation or civil authority. He says: "What! Bring your law to bear upon me; enact that I shall live in a state of marriage under the civil law, against my passionnal attractions? What! Compel my sister to keep, against her will, with her old husband? No, I am for liberty, God and liberty!"—which means the Devil and free lust. So they go on, and so these individual sovereigns run through the catalogue, from one end to the other. They are all tied together by the same string of isms which our friend here has so eloquently and inconsistently denounced.

Now, Mr. Clerk, the time for the Republican party to have denounced these dangerous doctrines, was not after the Harper's Ferry affair had occasioned so much dissatisfaction, anxiety, apprehension, and dismay in the South. The time to have denounced them was when Mr. Giddings made his speech here in favor of servile insurrection. The time to have denounced them was when Helper came along with his book; when Governor Seward said that there was a higher law than the Constitution which required the extermination of slavery, and "that you and I must do it." Then was the time for denunciation, and not after John Brown, wrought upon by the everlasting rub-a-dub of the abolition drum, got together his recruits, crept into the valley of the Blue Ridge, collected his

\$10,000 worth of rifles and pikes, and in the night, when no premonition had been given, when all was hushed—

Mr. MILES. On Sabbath.

Mr. COX. Yes, sir, when there was no sound to disturb the quiet but the church-going bell, took possession of an armory with one hundred thousand stand of arms, imprisoned inoffensive citizens, and killed others. Why did you not denounce these doctrines in the bud? Why did you not stop the bloody instructions of which this is the fruit? Why were they not denounced from the pulpit, forum, and rostrum? Why not denounced from these seats in Congress? You come up at this late day and say, "Oh! we do not approve of this thing. The people of the free States do not approve of it." Neither do they. My friend [Mr. CORWIN] was right when he said that the people of Ohio, outside of the Western Reserve, are not in favor of insurrection and dissolution. I think that the Reserve ought to be cut off and slid over to Canada, for which it has more affinity than for the United States. [Laughter.]

Mr. HUTCHINS. Why, then, cut off a part of the Union?

Mr. COX. I am sure that our people would be glad to change those counties of the Western Reserve for Cuba and cheap sugar and molasses. [Great applause and laughter.] My friend is a correct exponent of the sentiment in Ohio in reference to this insurrection. I am glad he has referred to it in the way he has. I will add my testimony—feeble as it is—to the testimony of the gentleman, to convince the South that these marauders and murderers have no sympathy with the mass of the people of that State, from which most of them seem to have come, and within whose borders they concocted their fell designs. It is due to the gentlemen of the South who have shown so much apprehension on this subject, to say that at least one hundred and seventy-one thousand two hundred and sixty-six Democratic voters of Ohio put their seal of disapprobation on all the men connected either by sentiment or act with this matter. [Applause in the galleries.] That was the vote last year; and if it were properly represented in this Hall, instead of six Democratic members only, we would now have ten. From the sentiment of this year, four of these Republican gentlemen would be compelled to bid adieu to this scene of congressional life.

But the distinguished gentleman who preceded me [Mr. CORWIN] says, and says truly, that there is no sentiment in the southern part of our State, at least in that part of the State which he and I represent, which would not disapprove, in toto, of the men who have preached and acted out this servile insurrection. There is no sentiment in that part of Ohio which does not at once and forever protest against that horrible spectre of history—a servile insurrection. I may go further and do justice to the Republican vote of Ohio this year. It was one hundred and eighty-four thousand five hundred and two; more than half that number, sir, in my judgment, thoroughly condemn this raid upon Virginia. While I admit the sentiment is different in the Reserve and at Cleveland; while I admit that the noisy leaders and blatant journalists who undertake to manage and do control the Republican party in its platform and candidates, are not blessed with the same genuine spirit, I freely and willingly bear my testimony to the public execration which in Ohio has followed the insurgents at Harper's Ferry, their aiders and abettors. Let me go further.

When you come to the great Northwest you find one million one hundred and sixty-two thousand voters in her seven States. This is a hundred thousand more than all the voters in the South, one-third of the whole Union, and three times as many as New England. I believe, sir, that more than one-half of these votes will be cast in 1860 for the Democratic party, for the rights of the States and the permanence of Federal concord. You will find these voters warm in favor of the Union, and the Constitution, which is the only ligament which holds that Union together. You will find this attachment not merely in our party, but among the very men who voted for my friend [Mr. CORWIN] and many of the Republicans upon this floor. Look to the great Northwest, and to its power as it is now, and as it will be. She has a lake and river tonnage of four hundred thousand tons, and five thousand miles of river and lake coast. She has, and must have ever, the Mississippi River as her outlet. Has she nothing at stake? She will be able to protect herself and the Union besides. In 1860 she will have as many Representatives upon this floor as the whole South will then have, and three members to one from New England. You will find in her a conservative element which will say to the North, with its extremists, and to the South, with its extremists, "Thus far shalt thou go, and no further; here shall the waves of disunion be stayed!" You will find in the Northwest a conservative element, which, if we have the Cincinnati platform unaltered, will rise up to the support of the Democratic party, as the only safe repository of that constitutional power by which this Government is to be carried on.

It is said by men of science that the least disturbance of the law of gravitation in the universe will not only disturb the stars in their courses, but that it will change the position of the lightest flower upon the face of the earth. So it is with respect to that political gravitation by which the States are held in their spheres as they revolve around the Federal centre. Not only will the disturbance of our Confederation and Constitution, and the laws made in pursuance of it, in the least particular, whether by resistance to law or by riotous insurrection, disturb the relation of the various States, but it will disturb that concord of feeling in each individual citizen which is the flower of our patriotism—without which the Constitution and the Union cannot be preserved. Without fraternity of feeling that Constitution is a dead letter—a mere wisp of straw—a rope of sand. There is a sentiment in the Northwest which cannot and will not listen to a disunion sentiment.

I regret to hear upon this side of the Chamber the dissolution of the Union spoken of as a contingency. I wish to say in behalf of the national Democrats of Ohio, that with them there is no such word as that rung in our ears by Southern gentlemen—"dissolution of the Union *per se*." We know of no dissolution *per se*. We have no dead or living language to phrase such sentiments. We are for the Constitution and for the Union. We have no language to express any thing with respect to breaking those ties, so eloquently depicted by my friend [Mr. CORWIN], which bind us together. Those ties are as old as the Constitution. I am prepared, as the gentleman from New York [Mr. JOHN COCHRANE] said the other day, to sail over many a stormy sea in the protection of that Union and Constitution. If I have read aright the history of the formation of

the Constitution, its framers had troubles and trials far more vexatious and arduous than those we have undergone in preserving it. It was as long as from March to September, 1787, before they could agree upon an instrument, and before it could go out to the States for their ratification. They quarrelled about the slave trade; they quarrelled about the three-fifths representation of slaves in making up this body; and it was not until such patriotic appeals were made as we have heard here by gentlemen upon this side of the Chamber, that they could come together and agree upon this common Constitution. Too many of their descendants are too quick to listen to the cry of disunion. We of the Northwest have no affinity with any one who utters that cry, whether from the North or South.

I remember an incident that occurred in the late Sepoy rebellion in India—a servile insurrection, which might have found more than its counterpart, if the late affair at Harper's Ferry had been consummated as it was designed. You remember that Lucknow was besieged for months by those fiends in human shape, who did what Brown would have had the negroes of Virginia do. Death stared the beleaguered garrison in the face. The engineers even gave up hope. A day, and all would be lost! A fever-stricken Scotch lassie, overcome with fatigue, lay upon the ground, wrapped in her plaid and slumber. Suddenly she gave a cry of joy. Her delirium passed away. She exclaimed: "Dinna ye hear it? Dinna ye hear it? Ay, I am no dreamin'. It's the slogan of the Highlanders. We're saved! We're saved!" The young girl had a keen ear for her national music. She was from the Highlands—the home of the MacGregors and the Douglas! The duller ear of the Lowlanders did not catch the inspiring strain. I think, sir, I may be pardoned for saying that we of the Northwest have a quicker ear for the music of the Union. Through the noise of strife and the cannonade of insurrection, and while other sections have dulled their sense by too frequent allusions and reflections upon disunion, there remains in the Northwest the ready love, the unselfish devotion, and the patriotic zeal which is quick to hail the music of the Union as the harbinger of our safety and repose! [Applause from the galleries.]

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#### NORTHERN DISUNIONISTS AGAIN.

##### EXPULSION OF A MEMBER.—THE REPUBLICANS ARRAIGNED FOR THEIR INCIVILISM.

ON the 9th of April, 1864, the Speaker, COLFAX, offered a resolution to expel Mr. LONG, of Ohio. Without any knowledge or expectation of such a movement, Mr. COX took the floor after the Speaker, and said:

I approach this matter with becoming seriousness. The extraordinary spectacle is presented of our Speaker descending from the chair to make a motion to expel one of the members of this House for words spoken in debate. The occasion calls for more than the usual gravity of deliberation. I was not present when my colleague [Mr. LONG] made the re-

marks which have called out this resolution. I am told by members around me that his remarks do not bear the interpretation given to them by the speech and resolution of the honorable Speaker. Before a resolution of this startling nature was introduced, we should have had the official report of those remarks in the *Globe*. If action be demanded for the expulsion of a Representative of the people, for the exercise of his constitutional right of free debate, we should have the most authentic record of that debate. As I am informed, the language of my colleague was so qualified as to make it far less objectionable than the statement of it in the resolution. Still, sir, it may be obnoxious, and yet there may be no just ground for this proceeding of expulsion.

Had I been in my seat yesterday, with all due respect to my colleague, I should have promptly risen and disavowed, on behalf of all the delegation from Ohio with whom I have conversed, any sentiments uttered by him or any one else, looking to the recognition of the Confederate Government as an independent Power. So far as I can learn, there is not a member acting with this side of the House, unless it be my colleague, who is not opposed in every conceivable view, directly or indirectly, to such recognition.\*

I speak earnestly and consciously of this, because an attempt was made yesterday to make partisan capital for the other side out of the speech of my colleague. But it should be borne in mind that he said that he spoke only for himself, and not for his party. He was frank, true, and honest in that avowal. He did not speak, nor propose to speak, for his party. He did not speak for his Democratic colleagues.

Very recently we have had a convention of the Democratic people of Ohio, representing over one hundred and eighty-five thousand voters. In that convention, sir, no sentiments were uttered, and none would have been tolerated, like those to which exception has been taken. On the contrary, the only person whose name was presented to that convention as a delegate to the Democratic national convention, who avowed sentiments looking toward the recognition of the Confederate States, and who printed a learned and able pamphlet to circulate among the members of the convention, in exposition of his views, received but a few votes among several hundred in that convention; showing that the Democrats of Ohio, for

\* As Mr. PENDLETON afterwards called this remark in question, I republish the following card:

"HOUSE OF REPRESENTATIVES,  
WASHINGTON, D. C., May 20. }

"On the evening after Mr. LONG delivered his speech, the undersigned members of the Democratic delegation in Congress from Ohio, consulted with such of their colleagues as they could meet, in reference to the propriety of protesting against the sentiments expressed by Mr. LONG, 'that the alternative was now presented between subjugation and annihilation, or recognition.' The following named persons concurred in protesting against the doctrine of recognition, viz.: MESSRS. BLISS, NOBLE, HUTCHINS, JOHNSTON, LE BLOND, J. W. WHITE, MORRIS, FINCK, O'NEIL, COX, and MCKINNEY. The other members were not seen. Those who were not consulted, agreed to meet in caucus next morning before the meeting of Congress, to agree upon the form of protest. Seven met, and before the others came to the place of meeting or any action was had, they were notified that a resolution was introduced to expel Mr. LONG, whereupon they repaired to the House, and Mr. MCKINNEY informed Mr. COX (who was not at the meeting) of the agreement of the eleven members above mentioned.

J. F. MCKINNEY,  
GEO. BLISS."

whom I speak, are not prepared in any shape, however plausible, to accept the disintegrating doctrine to which this resolution refers. On the contrary, the Democratic people of that State, when the war came, which they endeavored but failed to avert, rallied to the defence of this Government. They sustained it in every emergency. We, the members upon this side of the House, had and yet have our brothers and our friends in the Army doing battle for the Republic, although they do not agree with the peculiar African policies pursued by this Administration.

I refer to the position of the Ohio Democracy with pride, because of the imputations thrown upon them by my colleague [Mr. GARFIELD]. He followed the speech of my colleague from the second district [Mr. LONG], and strove to make political points for his party, not by misrepresenting him so much as by misrepresenting the Democracy.

Now, I propose to show that if the sentiments attributed to my colleague are unpatriotic and treasonable, the prominent men of the Republican party are amenable, for similar sentiments, to the same condemnation. There is scarcely a leading member of the opposite party, from the Executive down, who is not committed in doctrine, if not in practice, to the separation of these States. I shall show that members opposite deserve expulsion by the same rule which they would mete out to my colleague.

I pass over for the present the sacred, constitutional right of free debate in this Chamber of American Representatives, and proceed to show that this resolution comes with a bad grace from that quarter in which so much sedition and revolution have been expressed and acted.

And first, I desire to ask of the Speaker if he had forgotten when he penned this resolution, that in the last Congress a most acute member of the Republican party, in good standing and sweet fellowship—Judge Conway, of Kansas—not only made a remarkable speech in favor of the recognition of the South, but offered solemn resolutions affirming the heinous doctrine. If the honorable Speaker has forgotten the fact, let him turn to the Journal of the House of December 15, 1862, page 69, and he will find the following resolutions offered by Mr. Conway. I quote such of them as bear on the points in discussion :

*"Resolved,* That freedom and slavery cannot coexist in the same Government without producing endless strife and civil war; that 'a house divided against itself cannot stand;' and that 'this nation must be all free or all slave.'

*"Resolved,* That the American Union consists of those States which are now loyal to the Federal Constitution.

*"Resolved,* That the restoration of the Union as it existed prior to the rebellion would be a greater calamity than the rebellion itself, since it would give new life to the 'irrepressible conflict,' and entail upon the nation another cycle of bitter contention and civil war.

*"Resolved,* That the seceded States can only be put down, if at all, by being regarded as out of constitutional relations with the Union, and by being assailed upon principles of ordinary warfare as between separate nations.

*"Resolved,* That it is a matter for serious reflection whether another election of President must not supervene before the rightful authority of the nation can be established; and whether in the mean time it is not a flagrant waste of our energies to continue the war.

*"Resolved,* That unless the Army of the West shall have swept through the valley of the Mississippi to its mouth, and the Army of the Potomac annihilated the legions of Lee and Jackson, thus subverting the military power of the rebellion within a reasonable time, the best interests of the country and humanity will require a cessation of hostilities.

*"Resolved,* That the States of the North composing the American nation, and wielding its power, must ever remain one and indivisible on the basis of freedom for all, without



distinction of race, color, or condition; that their mission must ever be to extend their own civilization over the entire continent; and that whatever derangements, difficulties, checks, or defeats they may encounter, they must forever cherish and pursue the inspiring idea of nationality and continental dominion."

From which it will appear that, after affirming the irrepressible conflict, it was resolved that the American Union consisted only of those States which are now loyal to the Federal Constitution; that the restoration of the old Union would be a greater calamity than the rebellion itself; that the seceded States should be regarded as out of constitutional relations with the Union; that until the election of another President it was a flagrant waste of our energies to continue the war. Does the honorable Speaker remember that those resolutions recognized that only the States North composed the American Union? If he did, why did not this sensitive gentleman [Mr. COLFAX], who was not then in the chair but upon the floor, come forward with a resolution for the expulsion of his friend Mr. Conway? I ask the Speaker to respond to that question. Why did you not do it, sir? Is such a resolution fair toward a member on this side and unfair toward a member on the other? You were for free speech and free resolution then; I am for it now as then. Why do you pursue my colleague to disgrace him, when you did not lift a word about expelling one from your own ranks who was in favor of disparting the old Union and recognizing the nationality of the Southern confederacy? The Speaker does not, for he cannot, answer. I will yield to him to respond.

Mr. COLFAX. The gentleman from Indiana claims the floor whenever he sees fit to claim it, and declines speaking in the midst of the speech of the gentleman from Ohio.

Mr. COX. The gentleman is distinguished as well for his prudence as for his sagacity.

Mr. ALLISON. I desire to ask the gentleman from Ohio if he believes that Mr. Conway ought to have been expelled from the last Congress under the circumstances.

Several MEMBERS. Oh, that is not the question.

Mr. COX. When the gentleman on the other side answers my question, I will answer him. I will do it any how. I do not think that he should have been expelled any more than we should expel the distinguished gentleman from Pennsylvania [Mr. STEVENS] for his speech in favor of regarding the Confederacy as a *de facto* government, and that war should be carried on against it, according to the law of nations, as an independent Power established by its arms and recognized by the nations. The member from Pennsylvania [Mr. STEVENS], if I remember his speech on that subject, quoted Vattel in favor of his policy, which he predicated upon the idea of the independence of the southern government. Ay, and my colleague [Mr. GARFIELD], who is a fair debater generally, has taken the same ground as the gentleman from Pennsylvania, holding that an insurrection as formidable as this requires the laws of war to be applied as between two distinct and independent sovereignties. The men who hold that doctrine are not the men to expel another member who holds to the same doctrine.

Mr. GARFIELD. Will my colleague yield to me for a moment?

Mr. COX. With great pleasure. I would not do my colleague any injustice.

**Mr. GARFIELD.** My colleague does do me injustice in what he has just uttered. If he will do me the honor to read my speech on confiscation, on this particular he will find that I take most decisive ground against the position of the gentleman from Pennsylvania, and therein deny in toto the doctrine that these are a foreign people. On the contrary, I therein claim that they are in the Union, and that all the obligations of the Constitution overhang them. But in putting down this rebellion we have been told by the Supreme Court that we are to pursue them by the laws of war, the same as the laws between foreign nations, but not thereby admitting that they are a foreign nation.

**Mr. COX.** Well, I cannot understand that distinction, but I accept it; and then I ask my colleague, if he holds that the Confederacy is not an independent nation, and if he thus antagonizes the position of the gentleman from Pennsylvania, why he is not in favor of expelling that gentleman for holding that doctrine and avowing it openly? Did I understand that my colleague does not follow the leader of his party in this House upon this doctrine? I pause if my colleague will favor me with a reply.

**Mr. GARFIELD.** I draw a most marked and broad distinction between the opinion of the distinguished gentleman from Pennsylvania and the opinions of my colleague from the second district [Mr. LONG]. The gentleman from Pennsylvania is in favor of prosecuting the war to the uttermost to bring back these revolted States. The member from the second district of Ohio is opposed, in the first place, to all further prosecution of the war; in the second place, he holds that all compromise is impossible; and in the third place, he declares openly in favor of throwing up the white flag and acknowledging that they have conquered us and are independent, and that we will call back our armies and make no attempt, either by conference or by war, to restore the Union. There is the difference.

**Mr. THAYER.** I wish to make a statement. I am sure the gentleman from Ohio will not object.

**Mr. COX.** I will yield to the gentleman one moment.

**Mr. THAYER.** I simply wish to remind the gentleman from Ohio that my colleague to whom he has referred [Mr. STEVENS] is not in his seat, being detained therefrom by sickness. I think, therefore, it is better not to indulge in these remarks in regard to him in his absence.

**Mr. COX.** Oh! Mr. Speaker, the remarks of the distinguished gentleman from Pennsylvania are as well known as his great capacity. They are printed. I will do him no injustice, but quote them here:

"It is, however, essential to ascertain what relation the seceded States bear to the United States, that we may know how to deal with them in reestablishing the national Government. There seems to be great confusion of ideas and diversity of opinion on that subject. Some think that those States are still in the Union and entitled to the protection of the Constitution and laws of the United States, and that they, notwithstanding all they have done, may at any time, without any legislation, come back, send Senators and Representatives to Congress, and enjoy all the privileges and immunities of loyal members of the United States. That whenever those 'wayward sisters' choose to abandon their frivolities and present themselves at the door of the Union and demand admission, we must receive them with open arms, and throw over them the protecting shield of the Union, of which it is said they had never ceased to be members. Others hold that, having committed treason, renounced their allegiance to the Union, discarded its Constitution and laws, organized a distinct and hostile Government, and by force of arms having risen from

the condition of insurgents to the position of an independent Power *de facto*, and having been acknowledged as a belligerent both by foreign nations and our own Government, the Constitution and laws of the Union are abrogated so far as they are concerned, and that, as between the two belligerents, they are under the laws of war and the laws of nations alone, and that whichever Power conquers may treat the vanquished as conquered provinces, and may impose upon them such conditions and laws as it may deem best."

Again he says :

"Is the present contest to be regarded as a *public war*, and to be governed by the rules of civilized warfare, or only as a domestic insurrection, to be suppressed by criminal prosecutions before the courts of the country ?"

I need not tell the House how the member from Pennsylvania answered this question. He founded upon it his argument in favor of confiscation by the laws of nations and of war. He quoted from Judge Grier to prove the war a public war, and not a domestic insurrection. He constructed an argument to show that this was not a contest with individuals, but with States, known under the name of the "Confederate States." He held it to be idle to regard individuals as making war. "War is made," said he, "by chartered or corporate communities, by nations or States."

"When an insurrection becomes sufficiently formidable to entitle the party to belligerent rights, it places the contending Powers on precisely the same footing as foreign nations at war with each other." \* \* \* "No one acquainted with the magnitude of this contest can deny to it the character of a *civil war*. For nearly three years the Confederate States have maintained their declaration of independence by force of arms." \* \* \* "What, then, is the effect of this public war between these belligerent, these *foreign nations*? Before this war the parties were bound together by a compact, by a treaty called a 'Constitution.' They acknowledged the validity of municipal laws mutually binding on each. This war has cut asunder all these ligaments, abrogated all the obligations."

"What, then, is the effect of this public war, between these belligerent, these *foreign nations*?" Foreign nations! Foreign? Why? Because not under our Constitution, but alien from it by the maintenance of their independence by force of arms. Nations? Having all the autonomy and independence of a belligerent Power in Europe. Yet for these sentiments, who had the courage to question, censure, or propose to expel the gentleman from Pennsylvania? Ah! he is a Republican, and has a dispensation from the higher powers to recognize by his logic (which my colleague unhappily followed) the existence of the South as a separate nation. He is the leader of that side of the House, and may debate without question these momentous issues. My colleague followed him in his premises, although he drew another conclusion.

Now, I ask my colleague [Mr. GARFIELD] whether he did not vote for a gentleman in Ohio for Lieutenant-Governor who held the same doctrine of recognizing the southern confederacy? I refer to Lieutenant-Governor Stanton, who announced that doctrine on this floor. He never was expelled for it. No one sought then to abridge his free debate. I heard his remarks. I will send them up to be read before my colleague answers the question.

Mr. GARFIELD. If the gentleman will allow me, they can as well be read afterwards.

Mr. Cox. Let them be read now.

The Clerk read as follows :

"Mr. Speaker, when there were fifteen slaveholding States acknowledging allegiance to the Federal Government, and therefore, having in their hands the power to protect themselves against any invasion of their rights on the part of the Federal Government, it was a matter of very little consequence whether such an amendment as that was incorporated in the Constitution or not. But the state of the country is now radically and essentially changed. Seven or eight States now deny their allegiance to this Government, have organized a separate confederacy, and have declared their independence of this Government. Whether that independence is to be maintained or not is with the future. If they shall maintain their position, and sustain the authorities there for a year or two to come, so as to show that nothing but a war of subjugation and conquest can bring them back, I, for one, am disposed to recognize that independence."—*Congressional Globe*, February 28, 1861, page 1285.

Mr. COX. I will now yield to my colleague to say whether he did not vote for that man as Lieutenant-Governor of Ohio, after it was known throughout the State that he thus favored the independence of this confederacy?

Mr. GARFIELD. I answer my colleague that I did not vote for that gentleman nor for any candidate on the ticket that fall, for the simple reason that I was in the army. If I had been in Ohio, I should have voted for that gentleman, and I do not excuse myself on any other ground than the simple lack of being present at the time of the election.

Now, allow me to say that there was a large class of men on both sides of the political questions of that day who in the beginning of this war felt a doubt whether it was not better to let these people alone for a time, hoping that reason might return to them by delay. There were others who said "we cannot leave them alone;" and to that class belonged a number of distinguished gentlemen in the parties on both sides. That is one thing. But now, after that question has been adjudicated, after the great American people have determined on war and determined on putting down the rebellion, after three years of war have passed, and when we are almost in the hour of daylight and victory, to arise now and throw up the contest is treason.

Mr. COX. Mr. Speaker, I only asked the gentleman to answer my question, not to go off into a definition of what is treason in his judgment. I would rather take the constitutional definition of treason. I do not think my friend takes the Constitution as his authority, for he has said twice on this floor that he would overleap that Constitution. When you talk of treason, and in the same breath talk of overleaping the Constitution, you are the traitor, if there be such a traitor in this House.

Mr. GARFIELD. Will the gentleman tell me what question it is that he desires I shall answer?

Mr. COX. I do not ask the gentleman any more questions. I am satisfied with his position. It is enough that I have shown that he is not the man to vote for the expulsion of any member for expressing sentiments in favor of the recognition of this southern confederacy. It is not for him who would have voted for a man who was in favor, in advance of war, of the recognition of the southern confederacy, and who thus encouraged the rebels to proceed in their rebellion when it was in its bud, to reflect upon gentlemen on this side of the House who have voted against secession, against recognition, and in favor of sustaining the war for the Union upon the proper policy. It is not for him to censure or expel my colleague, when he has declared that he himself would in some cases overleap the Constitution.

Mr. GARFIELD. I only desire to say that my colleague misrepresents me, I presume unintentionally, when he says that I have on two distinct occasions declared my readiness to overleap the Constitution. That I may set myself and him right on that question, I will say, once for all, that I have never uttered such a sentiment. What I have uttered is this: When asked if I would, under any circumstances, override the Constitution, I said this, and this only—premising, as I believed, that the Constitution was ample enough of itself to put down this rebellion, that its powers were most capacious, and there was no need to override it—that if such a time ever should come that the powers of the Constitution were not sufficient to sustain the Union, if that impossible supposition should ever prove true [laughter from the Democratic side of the House], then I would say that we have a right to do our solemn duty under God, and go beyond the Constitution to save the creators of the Constitution.

Mr. Cox. I am informed by the members around me, and the report of my colleague's remarks in the Globe will show, that he put no condition like that which he makes now. I ask gentlemen on both sides, whether my colleague ever qualified his remarks by saying, that it would be forever impossible in the future for the Constitution to be infringed by making war. Why make the statement of overleaping the Constitution, if it be forever impossible to do it in carrying on this war?

Mr. GARFIELD. Will the gentleman allow me?

Mr. Cox. Certainly.

Mr. GARFIELD. I said so in answer to the question of my colleague now upon the floor. I said so, secondly, in answer to the gentleman from Illinois, and put the same question to him. I explained it in the same way. The gentleman is at liberty to look at the manuscript, which I have not yet seen, and may quote from it.

Mr. Cox. I have only the Chronicle's report of the debate of yesterday. Perhaps it is good authority for the members on the other side. I will quote from its report:

"Mr. GARFIELD then controverted his colleague's position. The issue was now made up. We should use the common weapons of war. If with these we should not succeed, he would take means, as he would against the savage who attacked himself or family. He would resort to any element of destruction, and, if necessary, he would fling all constitutional sanctions to the winds rather than lose his country."

There is nothing about the impossibility of the Constitution proving insufficient to put down the rebellion, and in which case alone he would overleap it. Overleap an impossibility! I would like to see the performance.

Another question. I remember that my colleague, on the confiscation bill, said that he would under certain circumstances overleap the Constitution. What did he mean then by that? In that debate his language was precisely this:

"I would not break the Constitution at all, unless it should become necessary to overleap its barriers to save the Government and the Union."

Nothing about the impossibility of ever breaking the Constitution, not a word or syllable, for he contemplates its breach for certain purposes. My colleague cannot escape from the dilemma in which he is placed. And yet he undertakes to make political capital out of the speech of my

colleague from the second district, after such declarations! If he does not, gentlemen on that side of the House do. They are, I learn, subscribing for that speech by hundreds and thousands to distribute it for partisan purposes; and yet they have advocated the very heresies upon which they ground the present accusation, and give them circulation by sending out the speech of my colleague. I want it understood that the Republican members who have favored recognition, and favored the men who favored it, are now striving to expel a member for the same license of speech which they have indulged; that at home they have favored for high offices a public character who took ground in favor of recognizing the rebellion if it should maintain itself "for a year or two." I might well ask my colleague, in view of his position, whether he did not know what were the sentiments of Governor Stanton, when he would have voted for him if he had been at home? To come to the question: was he not thus committed to the policy of dissolving the Union, if the rebellion could sustain itself for a year or two? Then I ask him, how much better is he than the member whom he seeks to expel? Wherein does he differ from that member upon this subject of recognizing lawlessness? More than that; the Republicans elected a man Senator from Ohio who had uttered the same sentiments, as the sentiments of that party. He is the personal and political friend of my colleague. I mean Senator WADE. I will send his remarks to the Clerk's desk to be read, that we may know who are in favor of dissolution and recognition.

The Clerk read as follows, from the Congressional Globe of the third session of the Thirty-fourth Congress, page 25:

"But southern gentlemen stand here, and, in almost all their speeches, speak of the dissolution of the Union as an element of every argument, as though it were a peculiar condescension on their part that they permitted the Union to stand at all. If they do not feel interested in upholding this Union, if it really trenches on their rights, if it endangers their institutions to such an extent that they cannot feel secure under it, if their interests are violently assailed by means of this Union, I am not one of those who expect that they will long continue under it. *I am not one of those who would ask them to continue in such a Union. It would be doing violence to the platform of the party to which I belong.* We have adopted the old Declaration of Independence as the basis of our political movement, which declares that any people, when their Government ceases to protect their rights, when it is so subverted from the true purposes of government as to oppress them, have the right to recur to fundamental principles, and, if need be, *to destroy the Government under which they live, and to erect on its ruins another more conducive to their welfare.* I hold that they have this right. I will not blame any people for exercising it, whenever they think the contingency has come. You cannot forcibly hold men in this Union; for the attempt to do so, it seems to me, would subvert the first principles of the Government under which we live."

Mr. Cox. Now, there is the broadest doctrine laid down in favor of the right of revolution and against the right of coercion. "It would be doing violence to the platform of the party to which I belong," says the Republican leader of Ohio, "to ask the South to continue in such a Union." "You cannot forcibly hold men in this Union; it would subvert the first principles of the Government." Ah! you reëlected him Senator after those avowals, and now would you expel men for the same avowals? If they are treason in a Representative, what are they in a Senator? I ask my colleague if he did not sustain that Senator? Did he not vote for him for Senator, or would he not have voted for him?

Mr. GARFIELD. I had not the pleasure of voting for the distinguished Senator from Northern Ohio, but it would have given me great pleasure, and had I had that privilege I should have enjoyed it and acted upon it.

Mr. COX. Does the gentleman approve of Senator WADE's doctrine?

Mr. GARFIELD. Will the gentleman allow me a moment?

Mr. COX. With great pleasure.

Mr. GARFIELD. I wish to send to the desk, to be read—

[Cries of "No!" "No!"]

Mr. COX. If it does not come out of my time I will not object.

[Cries of "Well!" "Well!" and "No!" "No!"]

Mr. GARFIELD. I recall the paper.

Mr. COX. Will the gentleman indicate what it is?

Mr. GARFIELD. I will only say in reference to this colloquy, that if I cannot make my part of the colloquy as I choose, I will make it when the gentleman has concluded his remarks.

Mr. COX. The gentleman can have the paper read if he pleases. I shrink from no responsibility in this debate.

Mr. GARFIELD. I desire to have read an authority which the gentleman himself, I think, acknowledges. It is upon the same point that has just been in debate between us, and when it is read I have only a word to say.

Mr. COX. Who is the authority?

Mr. GARFIELD. Thomas Jefferson.

The Clerk then read as follows:

Mr. Jefferson, in a letter to J. B. Colvin, September 20, 1810, says:

"The question you propose, whether circumstances do not sometimes occur which make it a duty in officers of high trust to assume authorities beyond the law, is easy of solution in principle, but sometimes embarrassing in practice. A strict observance of the written laws is doubtless *one* of the highest duties of a good citizen, but it is not the *highest*. The laws of necessity, of self-preservation, of saving our country when in danger, are of higher obligation. To lose our country by a scrupulous adherence to written law would be to lose the law itself, with life, liberty, property, and all those who are enjoying them with us; thus absolutely sacrificing the end to the means."—*Jefferson's Works*, vol. 5, p. 542.

Mr. GARFIELD. I have only to state that that paper states, more ably and more eloquently than I can, the very doctrine which I have uttered, and for which the gentleman condemns me.

Mr. COX. Now, I do not know as to the authenticity of that quotation presented by the gentleman; but if the gentleman quotes it for the purpose of vindicating the lawlessness against the United States authorities which has been rampant in that part of Ohio where he lives, just as it was prevalent in South Carolina, I doubt if Jefferson would have sanctioned such a pernicious and disorganizing practice. I know the gentleman and his party are in favor of a higher law than the Constitution, or the laws made in pursuance thereof, when, in their opinion, those laws impinge upon their consciences. But I deny all such seditious and anarchical doctrine. Notwithstanding every authority, whether it be from Jefferson, Wade, or my colleague, I deny utterly the right of any one, secessionist or abolitionist, to infract or nullify any law of the United States or any clause of its Constitution, for any purpose. I am in favor of the enforcement of the laws everywhere equally upon every citizen of the

United States. But my colleague takes the other ground, and quotes Jefferson to sustain it. But with such a lawless programme how can he vote for the expulsion of my friend from Ohio because, as it is alleged, he maintained the same principle? How can a defender of law-breakers expel another for recognizing the breach of the very fundamental law of the Union?

But I asked my colleague a question to which he did not respond. It was whether he was in favor of the sentiments of Senator Wade in reference to the right of revolution and against coercion. He said he would have voted for him. Where does that place my colleague? In the category of my friend from Cincinnati, according to the allegation. How, then, can my colleague vote for the expulsion of a man who agrees with him and with his Senator; and who agrees with another and the principal light of the Republican party? Horace Greeley in his paper states what I will send to the Clerk to be read for the information of the gentleman.

The Clerk read the following from the New York Tribune of the 2d of March, 1861:

"We have repeatedly said, and we once more insist, that the great principle embodied by Jefferson in the Declaration of Independence, that Governments derive their just powers from the consent of the governed, is sound and just; and that, if the slave States, the cotton States, or the Gulf States only, choose to form an independent nation, *they have a moral right to do so!*"

Mr. COX. Now, I ask my colleague whether he favors that doctrine of Horace Greeley? He has been hitherto very prompt to answer. I have given him every chance. I ask my colleague whether he believes in that "moral right of the Gulf or cotton States to make an independent nation"?

Mr. GARFIELD. I am perfectly willing to answer the gentleman, if he will proceed with his own remarks, and I can then get the floor. I would prefer to answer him categorically then.

Mr. COX. I will give the gentleman a chance to answer as I go along. It is so much more interesting. I like that dramatic and vivacious form of debate. My colleague is so apt and ready in debate.

Mr. GARFIELD. I prefer to wait until the gentleman is through.

Mr. COX. I am afraid people will draw a wrong conclusion from my colleague's refusal to answer. He may not get a chance to answer to-day. But as he seems unwilling, I ask the privilege of printing a few more extracts from the great editorial light of his party, Mr. Greeley, in reference to letting the southern States go. Nobody ever attempted to expel him out of the Republican party for such sentiments.

"If the cotton States shall become satisfied that they can do better out of the Union than in it, we insist on the letting them go in peace. The right to secede may be a revolutionary one, but it exists nevertheless." \* \* \* "We must ever resist the right of any State to remain in the Union and nullify or defy the laws thereof. To withdraw from the Union is quite another matter; whenever a considerable section of our Union shall deliberately resolve to go out, we shall resist all coercive measures designed to keep it in. We hope never to live in a republic whereof one section is pinned to another by bayonets."—*Tribune of November 9, 1860.*

"If the cotton States unitedly and earnestly wish to withdraw peacefully from the Union, we think they should and would be allowed to do so. Any attempt to compel them by force to remain would be contrary to the principles enunciated in the immortal



Declaration of Independence; contrary to the fundamental ideas on which human liberty is based."—*Tribune*, November 26, 1860.

"If it (the Declaration of Independence) justified the secession from the British Empire of three million colonists in 1776, we do not see why it would not justify the secession of five millions southrons from the Union in 1861."—*Tribune*, December 17, 1860.

"Whenever it shall be clear that the great body of the southern people have become conclusively alienated from the Union, and anxious to escape from it, we will do our best to forward their views."—*Tribune*, February 23, 1861.

Can it be possible that such opinions have been uttered and the paper not suppressed? Can it be that members who read it approvingly, day by day, seek to expel a member of this House for copying its worst features? Why was not the Constitution "overleaped" to suppress that journal and exile its editor? Gentlemen opposite take this journal and swear by it as the gospel of emancipation and the exponent of Republican policy. They cannot get along without it. Why, then, are they so sensitive when it is alleged that a Democrat is going in the direction pointed out by their own shining beacon?

Mr. Speaker, I need not ask my colleague whether he voted for Abraham Lincoln for President. I know that so far as the past is concerned he is committed to Mr. Lincoln and to his record and sentiments. I propose to have read, for the information of my colleague, an extract from a speech made by Mr. Lincoln, in Congress, on the 14th of February, 1848, and printed by Gideon & Co. especially for circulation among such gentlemen as my colleague. Here is the extract, and to it I solicit his attention. I ask him if he approves of the doctrine. If he does, he cannot consistently vote for the expulsion of my colleague. The Clerk will read from the original and genuine document.

The Clerk read as follows, from the pamphlet:

"Any people, anywhere, being inclined and having the power, have a right to rise up and shake off the existing Government and form a new one that suits them better."

Mr. Cox. I may be allowed, before the Clerk reads any further, to call the attention of the distinguished Speaker to that extract. He voted for Mr. Lincoln. Nobody knows whether he is for him or not now. [Laughter.] I want to ask him whether he approves of the doctrine.

The Clerk read as follows:

"This is a most valuable, a most sacred right, a right which we hope and believe is to liberate the world. Nor is this right confined to cases in which the whole people of an existing Government may choose to exercise it. Any portion of such a people that can, may revolutionize and may make their own so much of the territory as they inhabit. More than this, a majority of any portion of such people may revolutionize, putting down a minority intermingled with or near about them who may oppose their movements."

Mr. Cox. I get no response from the Speaker. He must approve of the revolutionary sentiments of the President, and be disgusted with his own resolution of expulsion. Perhaps he will move to lay his resolution upon the table, or else vote to impeach Mr. Lincoln.

Mr. COLFAX. In reply to the remarks of the gentleman from Ohio, I have to repeat that the gentleman from Indiana upon this side of the House does not speak in the midst of another gentleman's speech by his courtesy, liable to be stopped by him as the gentleman stopped his col-

league recently. He speaks when he obtains the floor, and has no secret about his opinions in regard to any subject.

Mr. Cox. Oh! Mr. Speaker, when the leading man of this House comes down from his high position to offer a resolution to expel a member who comes here by the same right that he does, he cannot escape on account of his peculiar dignity. When he descends to this floor, the common platform of us all, and condescends to mingle with us in debate, he cannot and shall not escape. Is he or is he not in favor of the doctrine laid down by the President in the extracts which have been read? That is a very simple question. You will lose no dignity, sir, by answering it now. [Laughter.] We will look upon you with pride and pleasure as the Speaker of this House, if you will condescend to delight us by evincing your opinion upon that subject. I pledge myself that you shall not be interrupted.

Mr. COLFAX. In reply only to the personal remarks of the gentleman from Ohio, I say this to him: that when I appear upon this floor, I do not *condescend* from that chair. The position of a member upon this floor is as exalted and responsible as the position of him who sits in that chair to administer your rules. The gentleman brings a reproach upon himself and upon his fellow-members upon this floor when he sneers at me and speaks of me, when I appear upon this floor as the representative of my constituents, performing my duty, as *condescending*. The highest position a man can hold in this House is that of a representative of one hundred and fifty thousand people, sent here by their willing votes, and not by a mere majority of votes elected here as the presiding officer of this body.

Mr. Cox. Mr. Speaker, I did not make any personal remarks in regard to my distinguished friend. Far be it from me to throw any stain upon him for his condescension. I admire him too much for his fairness and justice in presiding over our deliberations to reproach him. Never has he heard a word of that kind from me. But when he comes down from his exaltation to this floor and undertakes to engineer a resolution through this House for the expulsion of a brother member, he must take the consequences of the debate which he inaugurates.

Mr. COLFAX. I am willing to do so, perfectly willing.

Mr. Cox. My friend does not seem now to be willing to do it. He shall not be interrupted if he answers, whether he stands by Mr. Lincoln or not in the sentiments which I read from his speech. I am opposed to all such sentiments, opposed to secession, opposed to revolution, and opposed to any change of our Government, except in pursuance of the Constitution, by the amendment thereof. That is the position of the members on this side. But Mr. Lincoln was elevated to the Presidency by that lawless party on the other side, knowing his sentiments to be in favor of secession and revolution, in favor of "any portion of the people that can, revolutionizing and making their own so much of the territory as they inhabit." I ask gentleman, if my colleague deserves expulsion, does not the President deserve impeachment?

But if gentlemen say these questions are gone by, then I come to the condition of things since the war, and press the question which was not answered, why did you not expel Mr. Conway last Congress? I receive no reply. I now ask, why not expel the gentleman from Indiana [Mr. JU-

LIAN], the colleague of the Speaker, for his speech on the homestead law, wherein he expressed sentiments which, if carried out, would bring about in the North the very convulsion and anarchy which we now unhappily have in the South. The gentleman from Indiana, on the 18th of March, 1864, held these sentiments:

"Congress must repeal the joint resolution of last year which protects the fee of rebel landholders. The President, as I am well advised, now stands ready to join us in such action. Should we fail to do this, the courts must so interpret the joint resolution as to make its repeal needless. Should both Congress and the courts stand in the way of the nation's life, then 'the red lightning of the people's wrath' must consume the recreant men who refuse to execute the popular will. Our country, united and free, must be saved, at whatever hazard or cost; *and nothing, not even the Constitution, must be allowed to hold back the uplifted arm of the Government in blasting the power of the rebels forever.*"

Now, Mr. Speaker, we on this side of the House, in our simplicity, were taught last session of Congress by a patriotic and learned member of the opposite party from Massachusetts [Judge THOMAS], that there could be no Union without the Constitution; that there could be no war carried on except in pursuance of the Constitution; that in using the appliances for subduing the rebellion we are acting within the pale of the Constitution; that we seek domestic tranquillity alone by the sword the Constitution has placed in our hands; that in the path of war, as of peace, the Constitution is our guide and our light, the cloud by day, the pillar of fire by night; that in preserving the Union and the Constitution we vindicate in every part the indivisible Republic in its supreme law; that in seeking to change the Constitution, to break or overleap it, we become the rebels we are striving to subdue; that all our labors and sacrifices for the Union of our fathers are for the Constitution, which is its only bond; that to make this a war, with a sword in the one hand to defend the Constitution, and a hammer in the other hand to break it to pieces, is no less treasonable than secession itself; and that outside of the pale of the Constitution the whole struggle is revolutionary.

If these sentiments be true, sir, and no one will question them, why was not the gentleman from Indiana [Mr. JULIAN] expelled for the treasonable sentiments I have quoted? Why was not a similar resolution to this moved in relation to him? We on this side do not do it. We are in favor of the largest liberty of debate by Representatives. We understand that the Constitution guarantees such debate. We did not disturb your Judge Conway last session for his resolutions. We did not vote for his resolutions; but you are responsible for his continuance in his position till the end of the last Congress.

If it were a reproach to the country, as our distinguished Speaker has stated, that a man should express himself here in favor of the recognition of the Southern Confederacy; if it dishonors and weakens us abroad and impairs our energies and discourages our efforts at home; if it were equivalent to allowing members of the Richmond congress to come here and take part in our deliberations (as the Speaker has alleged), why was not the expulsion of the member from Kansas proposed by him? Ah! his case was of a different hue then. It was of a darker shade then. Now you are in favor of expelling a man from our midst who was sent here by the people, because he utters the same sentiments

which this side repudiates, and which one of your own side uttered last session, and which you never sought to repudiate by the grave process of expulsion.

But the Speaker did not resume his seat until he had made a fling at the Democracy of my State for supporting Mr. Vallandigham. Mr. Speaker, I took some part in the last contest for the Governorship of Ohio. I did not fully agree with the gentleman who is now in exile, as members know, in his votes on this floor, nor in regard to his peculiar views of policy or peace. I upheld sadly but firmly the sword, after it had been unsheathed, lest a worse alternative should ensue—the disunion of our beloved country.

Mr. JULIAN. Will the gentleman yield to me for a moment?

Mr. COX. Certainly.

Mr. JULIAN. The gentleman from Ohio read only a portion of a paragraph from the speech which I delivered in this House, and I wish he would allow me to have read at the desk the entire paragraph which I have marked.

Mr. COX. I will insert in my speech what the gentleman desires, but as the extension of my time is objected to, I cannot yield to him. The gentleman does not deny that I have quoted him fairly so far as I have gone. Did not the gentleman say that he was in favor of breaking down the Constitution to save the country?

Mr. JULIAN. It is a perversion of what I did say.

Mr. COX. I would rather have it from your own lips than from any report. Are you in favor of breaking down the Constitution?

Mr. JULIAN. I will answer the gentleman from Ohio. I said explicitly in the paragraph of my speech which I have asked the gentleman to allow to be read, that there was no necessity in the world for breaking down the Constitution in any of its parts to put down the present rebellion in the South. That is my position. I said the Constitution was made for the people, not the people for the Constitution; and that our fathers were not fools but wise men, who armed the nation with the power to crush its foes as well as to protect its friends.

Mr. COX. If that necessity existed?

Mr. JULIAN. If it were necessary to save the life of the nation to depart from the letter of the Constitution, I would, as I said in my speech, blast the power of the rebellion forever by the strong hand of war.

Mr. COX. I, too, would blast the power of the rebels by the strong hand of war; but I regard the life of the nation as bound up with the Constitution, and that to blast the Constitution you blast the Government. And by destroying the Constitution you do not put an end to this war nor suppress the rebellion.

Mr. JULIAN. I ask the gentleman whether, if the salvation of the nation's life required the violation of the letter of the Constitution, the gentleman would be willing to save the life of the nation at that cost?

Mr. COX. I regard it as utterly impossible, under God, ever to save the life of the nation by tearing out its vitals, its heart and brain. The Constitution is the frame in which the Government is enshrined. I know no other Government except that embodied in the Constitution. This is the Government which you are sworn to support; not sworn to support,

air, in a certain emergency; not sworn to destroy, if necessary to save the life of the country, but unconditionally to support at all times and in all places, as if that life were bound up with it forever. You have taken upon your soul the oath to sustain that Constitution. Now you say on certain conditions you would break your oath! What is moral treason? What is moral perjury? I do not charge these upon the gentleman; but I beg him to reconsider and call back his words.

MR. JULIAN. Will the gentleman yield to me right here?

MR. COX. I will, if the gentleman thinks I have done him injustice.

MR. JULIAN. I have taken that oath, and I have asserted publicly that there is no necessity in the world for violating it. But the gentleman has not answered the interrogatory which I propounded to him. I wish him to state explicitly whether, if the life of the nation could only be saved by a violation of the Constitution, he would be willing to save it in that way. [Laughter on the Republican side of the House.]

MR. COX. I will answer the question. I am used to laughter from that side of the House. It does not distract me, for laughter is not logic. What is the life of the nation, sir, of which we hear so much? I know no other life of the nation except that incarnate in the written Constitution, which protects property, person, home, conscience, liberty, and life. Take away these, and there is no nation. Society is stagnant and dead. The gentleman regards liberty as the life of the nation, a sort of ill-defined liberty for black and white, I suppose. I regard the Constitution as the embodiment of constitutional freedom in this country, the very body, life, and soul of the Union. That is the Constitution of the United States. When you strike that down you strike down the life of the nation. Therefore we, on this side, have determined, in order to save the life of the Government, to save the Constitution from destruction.

MR. JULIAN. Will the gentleman allow me to ask him another question?

MR. COX. If the gentleman is not fully answered, I will say this, THAT UNDER NO CIRCUMSTANCES CONCEIVABLE BY THE HUMAN MIND WOULD I EVER VIOLATE THAT CONSTITUTION FOR ANY PURPOSE. [Cries of "That's it!" "That's it!" from the Democratic side of the House.] As Judge Thomas has said, "I would cling to it as the bond of unity in the past, as the only practical bond of union in the future; the only land lifted above the waters, on which the ark of the Union can be moored. From that ark alone will go out the dove, blessed of the Spirit, which shall return bringing in its mouth the olive-branch of peace." To compass its destruction as a probable or possible necessity, is the very gospel of anarchy, the philosophy of dissolution.

If there be any man in this chamber who holds or utters any other sentiment in reference to the Constitution and his oath than this which I have expressed, I say to him, that language has no term of reproach, and the mind no idea of detestation, adequate to express the moral leprosy and treason couched in his language and clinging to his soul. I will not designate such utterances by any harsher language in a parliamentary body.

When interrupted by the member from Indiana, I was about to go a little further in answer to what the Speaker said in reference to the De-

mocracy of Ohio. Mr. Speaker, I took a part in the campaign of last year, as I said, not because I approved of the peculiar peace notions of my former colleague. It was well known in Ohio, that my votes here did not always coincide with his, and that my sentiments did not agree with his altogether; but when by an arbitrary arrest, without warrant, without a fair trial, in defiance of the Constitution, in defiance of a law passed by ourselves, in defiance of English and American traditions, petitions, and bills of right, he was arrested and exiled, the Democracy of Ohio raised an issue in favor of fair trial, free speech, the immunities of personal freedom, and an honest and lawful administration of public affairs. That was our only issue. I took ground everywhere in favor of the liberty of the citizen and the integrity of the Constitution. Disagreeing always with the peculiar tenets held by him in relation to coercion, I held that he had the same right to speak for peace as the soldier to fight for it. But I will say this for him, that nowhere, here or at home, did he ever utter a sentiment or do an act looking to the recognition of the southern confederacy. He said in his place in this House, again and again, and quoted Mr. Calhoun's opinions on the Mexican war in his justification, that he would not oppose the voting of men and money to carry on this war, the responsibility for which he did not covet nor bear. But, sir, he never would consent to a peace based upon recognition. He so said in the North, and he said the same in his exile in the South.

We were defeated in Ohio on account of the issue made on the peace sentiment. I bowed to that decision. But, sir, while there are some in our party opposed to coercion and in favor of a peace indiscriminately, without regard to consequences, the great body of the Democratic people in our State and in the North have never gone beyond one conclusion; and that is, they are forever opposed to curtailing the limits of our empire by the recognition of a new nation carved out of our territory and made up of our States and people. Come war, come peace, come any thing, we would bring about a restoration of the old Government, with the old order. Our determination is to superadd to force the policy of conciliation; not to withdraw our forces from the field and yield to the South independence, but to superadd one other element of union—kindness and Christianity. If gentlemen cannot understand how two such ideas are compatible in the same mind with each other and with patriotism, I cannot teach them. While we have been ever ready to sustain our gallant soldiers in the field by our money and our men, we have been also ready at every hour of our triumph and at every opportunity for compromise, to extend an honorable amnesty to the erring; not the jugglery of the executive amnesty, based upon a proclamation of abolition which is a lie, but an amnesty which shall bring back the great body of the people South, if it be yet possible, to their allegiance. We desire to make our victories consequential by the rehabilitation of the States as they were, and to make out of them, and not out of illegitimate States, the old Union, one and indivisible!

This is the policy of the northern Democracy. We accept as our platform the integrity of the Union. Upon that platform we will never, in any emergency of this Republic, yield up this country and its Constitution to secession, and to its baleful counterpart, abolition. "Amid all the

darkness, the thick darkness around us, we will cling to the single, simple sublime issue—the Constitution, and the Union of which it is the bond; the old Union. God bless the old Union, and the wrath of the Lamb of God shrivel to their very sockets the arms lifted to destroy it; not in vengeance, but in mercy to them and to all mankind.”

#### THE FUGITIVE SLAVE LAW—ITS REPEAL—RIGHT OF ASYLUM.

On the 13th of June, 1864, this bill furnished the last opportunity of arraigning the Republicans for their violations of law; but as the discussion has lost its interest, that portion of the speech is omitted. It was mostly an argument *ad hominem* against the members from Wisconsin and Ohio, who sustained the infraction of the fugitive slave law. Something of a colloquy occurred between Messrs. BALDWIN, of Massachusetts, and BLAINE, of Maine, and the Speaker, as to the execution of the law in time of war and on black soldiers. The occasion was seized by Mr. Cox to vindicate the right of asylum, outraged in the case of Arguelles.

#### ARGUELLES' CASE.

Mr. Cox said: I cannot understand why these gentlemen would destroy the only method of carrying out this extradition system of our Constitution; and yet the other day, when a Spanish subject was arrested by our authorities, and taken from our shores which he sought as an asylum, these gentlemen sustained such extraordinary action. Against the Constitution, without law, without treaty, without evidence, without jury trial, without warrant, without information, by executive power, usurping the treaty power, usurping the law-making power, usurping the power of the judiciary, this Administration delivered to Spain a white refugee; and this Congress, with cringing obsequiousness, bowed before executive dictation, and by their legislative action said, “All right, Mr. President, you can seize a white man and take him from the country in defiance of the great right of asylum; but when a black man, escaping from one State to another, and whom we are commanded by the Constitution to deliver up, and under the sanction of our oath to make laws for such delivery, we break down the constitutional clause and the laws sanctioned by the judiciary in order to create in the North an asylum for the blacks of the South.” When a white man from another nation is torn away, and the practice and usage of all free and civilized nations is outraged, gentlemen on that side stifle proper resolutions of condemnation.

Mr. MORRIS, of New York. The gentleman will allow me to ask him a question for information. In the case referred to by the gentleman from Ohio, was the man charged with crime or was he not?

Mr. Cox. I say to my friend from New York that that white man was charged with a crime in newspapers, by clamor, but not legally. There was no charge, no warrant, no information, and no trial. I defy gentlemen to give me a resolution of inquiry, to ascertain whether the Executive or the Secretary of State had any thing in writing but the request

of the Spanish minister upon which to base the arrest and extradition of this Spaniard, seeking an asylum in this country. Upon the request of Señor Tassara, the Spanish minister, Mr. Seward issued his rescript, and the man was taken from the privacy of his own room, without the knowledge of his wife, who was in the next chamber. He was hurried on board a steamer, was hurried off to Havana, and is there held as a criminal to be tried. And yet gentlemen upon the other side dare not condemn that. Why? Because it was alleged that he was engaged in some way in the slave trade. Well, some one with less sense than sensibility may cry out, "Oh! you are the defender of the slave trade and slave traders." There is only one answer to this: the monosyllabic answer, "Pshaw." I defend no crime when I defend the right of asylum; nor do I defend slavery, when I oppose the repeal of a constitutional law for the rendition of slaves.

It has been said that this Spanish subject, Colonel Arguelles, was engaged in the slave trade, and hence an enemy of the human race. The truth is that he was not engaged in that trade. Slaves had been landed in the district of Colon, in Cuba, under his jurisdiction, and those slaves, as it was alleged, he had sold after they were landed and confiscated, and having made money out of the transaction in violation of his duty he had fled to this country. There was no proof of all this. It was the only allegation, however, and it may be true. Suppose it were. The charge is simply that of a breach of the municipal law of Spain. He is not, then, in the legal sense, as Mr. Seward asserted, an enemy of the human race. He was not a pirate in any legal or moral sense, but a criminal under the laws of Spain. He could only be delivered to Spain under a treaty or a statute, and neither existed between this country and Spain. Yet gentlemen who are becoming so careful about the personal liberty of black men as to refuse to render them up in pursuance of the Constitution, sustain the extradition of a white man without evidence, law, treaty, or constitutional authority. If there were a treaty between Spain and the United States similar to this authority in our Constitution with regard to the rendition of black fugitives, no indignation would ever have been hurled by a hospitable people, proud of their system of asylum under our once free Government, against its present perfidious administrators. Upon the same principle, or want of principle, by which the Executive gave up this Spaniard, they would have surrendered Thomas Francis Meagher, a criminal convicted by the judicial tyranny of England, Professor Agassiz, the savant, whom the world delights to honor, and every other man of great or little note who comes here from abroad.

We have had many humiliations since the present Administration came into power. We have bowed humbly before the throne of the French usurper, at the beck of an arrogant foreign minister, and allowed an Austrian prince and an imperial dupe to bear a crown from Europe to our continent, and sway a sceptre over a democratic republic with which we were in friendly alliance. We have had domestic humiliations by the forcible abduction, imprisonment, and exile of our citizens without law or trial. We have had our very thoughts pinioned, our presses manacled, and our writs of right and liberty annulled. For all these we place our hands upon our mouths in shame; but for this last humiliation, by which



America is no longer the home of the oppressed or the refuge of the foreigner, by which we are made the hissing and byword of the nations, we cast our mouths in the dust in abjectest degradation. We are put to cruel shame before all civilized nations, nay, before even half-civilized nations.

Turkey once protected the Hungarian patriot, Kossuth; Switzerland protects all political refugees in the midst of Europe, and stands there in her Republican simplicity and faith as firm as her everlasting mountains against the oppressions around her. We protected the half-made citizen Koszta in an Asiatic harbor, and rescued him from an Austrian ship; but this was when we had a Democrat to represent us in our foreign affairs like William L. Marcy. But while this national Congress stops in the midst of a great civil war to sow new dissensions in our midst by unwise legislation like this for black fugitives, it has shown its servile timidity before the usurpations of our Executive, and has allowed the *lettre de cachet* of the French monarch to be reissued under the great seal of the United States, without a murmur of dissent or denunciation. We are disgraced before the world by the violation of the great feature of our system of polity. What new humiliation is in store for us?

I hope, Mr. Speaker, that I am not travelling out of the range of proper discussion by referring to this matter of the extradition of a foreigner without treaty or law. I have considered it fully. I hope before Congress adjourns that the Committee on the Judiciary will report a bill for the purpose of punishing such officers as dare lay their hands upon refugees who are here from countries with which we have no treaty, and in cases where there is no law for their delivery. Such refugees have the right to shoot down the officers who thus arrest them, and be entirely innocent of crime. Refugees under such circumstances would have the right to sue Mr. Lincoln, Mr. Seward, or the marshal of New York, for false imprisonment, because of the absence of all law and all treaty in relation to that subject.

What inference do I draw from this? That in my opinion, as to all matters of rendition, whether of fugitives from service or justice, or of political refugees, there is always some law required to carry out in good faith the treaty or agreement upon those subjects. Hence, as between these United States, we had placed here in this second section of the fourth article of the Constitution, that any person charged with treason, felony, or other crime, fleeing from one State to another, should be delivered up, and Congress passed a law to carry that out. For the purpose of delivering up persons accused of crime in one State and fleeing to another, papers are prepared, a *prima facie* case is made out, and a *quasi* trial is had. These are indispensable to executive action among our States. So in regard to fugitives from labor, the same preliminaries are required. Proof, a hearing before the commissioner, and warrants for the delivery of the fugitive to the claimant—these prerequisites are a part of a system as to all renditions.

It is laid down in every authority on international law, and by statesmen who have had instances before them in this country in the various cases growing out of the treaties with Great Britain, France, and other countries, that there can be no rendition of any one from one State to

another, except in pursuance of some treaty or law specially made to effectuate the object.

Indeed, in this very case of Arguelles, when our consul at Havana was informed of the flight of Arguelles to New York, with a view to his reclamation, the consul at once said that, in the absence of a treaty, no reclamation could be had; that if it were had it would be an "exceptional measure." In this view he is confirmed by Judge Story in his *Conflict of Laws*; by the practice of this Government in a case as early as 1792, when Mr. Jefferson urged a treaty with Spain; in another case under the Jay treaty in 1799; in another case under Washington's administration in 1797, for the rendition to Spain of certain criminals from Florida, then a Spanish province; in another case in 1821, when William Wirt, as Attorney-General, held that the Executive had no power to arrest a refugee, except for the violation of our own laws; in another case in 1831, of a Portuguese pirate, wherein Attorney-General Taney decided the same principle; and in various other cases up to the time of our civil war, when, in a case of demand by Mr. Seward for rebels held by Spain, the Spanish Minister of State himself, Miraflores, insisted on a treaty of extradition as a prerequisite to the delivery. It makes my American blood tingle to read the eloquent vindication of this great right from the lips of the Minister of Spain. I insert it here as the better sentiment of what is left of the free white men of America:

"The right to give asylum to political refugees is in such manner rooted in the habits, in such sort interwoven with the ideas of tolerance of the present century, and has such frequent, generous, and beneficent applications in the extraordinary and ensanguined political contests of the times we live in, that there is no nation in the world which dares to deny this right, and, moreover, not any one that can renounce its exercise. *And if the Government of Washington wishes to acquire a perfect and positive right to the delivery of those guilty of ordinary crimes, it will be accomplished by means of a treaty of extradition, to the conclusion of which the Spanish Government would not oppose itself, as it has not refused to conclude such with other States.*"

I need not call the roll of English judges or statesmen who have spoken to the same effect with legal learning and indignant eloquence. The Creole case gave rise to these discussions in the English Parliament. The great names of Aberdeen, Denman, Campbell, Brougham, and others might be cited, to show that the sanctity of asylum can only be invaded in pursuance of treaty or of statute.

Yet, in defiance of all precedent, practice, and authority, this House proposes not to repeal the constitutional clause requiring fugitives from labor to be delivered up, but, preserving that clause, to nullify it altogether by repealing the law by which alone the clause can be executed.

On the charitable assumption that gentlemen on the other side intend to execute the Constitution, I say that it is indispensable that some law should exist to carry it out. As in the case of a treaty, as in the Arguelles case, so in the case of a fugitive slave there must be some law to carry out the treaty or clause of rendition. To repeal the law made for that purpose, is a cowardly blow at the Constitution itself. It is a breach of faith, a breach of treaty; and between independent nations would be a *casus belli*. Between States banded like ours under a Constitution, it is a flagrant violation of a sacred compact.

## JUDICIAL DECISIONS AS TO FUGITIVES.

Mr. Cox then showed by ample quotations that the Republicans held, in the matter of rendition of fugitives from labor, that the Federal Government was a usurper of State rights, and "denied that the decisions of a usurping party in favor of the validity of its own assumptions can settle any thing;" or, as Attorney-General Wolcott argued (9 Ohio Reports, 114), that "as to these powers, the States stand to each other and to the Federal Government as absolutely foreign nations."

He then concluded by addressing the Republican side of the House :

You are against the rendition of the black man in pursuance of the Constitution; and you give up a white man who has sought an asylum on our shores without the form or substance of law or treaty, and in "positive defiance" of the law of nations and the Constitution. Your Executive is a usurper of the powers wisely distributed to the other departments of the Government. Here you sit to-day striving to strike down the only mode whereby one peculiar clause of the Constitution can be carried out, and propose no mode as a substitute either by State or Federal action. You will not allow an individual to take his slave by the sanction of the Constitution alone; you will pass no law to help him. You will not allow him to go into a free State and have his right there by jury trial, because you cannot try the claimant's right to a slave by a jury in a free State. You will not allow the law of 1793, which George Washington assisted in making; yet you strike down all the great rights of personal freedom for the white man fixed by the fathers of the country in our fundamental law, because you are demoniacally bent upon riving this Union in twain, and separating its parts forever. Your ideas are not those of the higher, but of the *lower* law. They do not come from the sources of law and light and love *above*. They sunder all the ties of allegiance and all the sanctions of faith. You are destructionists; you would tear down all that is valuable and sacred in the past and build up nothing in their place. You are revolutionists. You were trying for years by wrongful interference and force to nullify the very law which you now seek to expunge by repeal. You diligently sought to embroil the States in collision with the Federal Government, and have succeeded in bringing with your advent into power the consequences we predicted, a relentless and bloody war. I charge it upon every man of you on the other side of the House who took any part in these seditious infractions of the Constitution, who counselled individual and State resistance and fomented sectional strife, that you are in part responsible before God and the country for our present calamities. The enormous burdens of taxation, the widow's tears, the orphan's curse, the wail of the bereaved, and the future destitution and consuming desolation of this land, all cry aloud against you as the authors of this worst evil which ever befell a suffering people!

### III.

#### FOREIGN AFFAIRS.

##### CONTINENTAL POLITICS—EUROPEAN PROTECTORATE OVER AMERICAN STATES—TERRITORIAL EXPANSION.

IN anticipation of the events which have recently transpired in the Spanish American States, this speech, and the one following upon Mexico, was delivered. On the 18th of January, 1859, addressing the House, Mr. Cox said :

There is a logic in history which is as inexorable as fate. A writer in the time of the first Stuart gave as the number of the kingdoms of Christendom, five-and-twenty. But there was no mention of three of the principal nations, Russia, Austria, and Prussia, in their present divisions ; nor of twelve other nations out of the twenty now enumerated in Europe ; nor of the thirty petty sovereignties now extant in Germany. Within two centuries, the transatlantic continent has changed its territory and rulers beyond all the caprices of fancy ; yet by a law as fixed as that which returns the seasons and rolls the stars.

The disquieting aspect of cisatlantic politics signifies the consummation of territorial changes on this continent, long predicted, long delayed, but as certain as the logic of history !

Some of these changes in Europe have been through decay, dissolution, and disintegration. Spain was once the Peru and Mexico of the Old World. The ancestors of the hidalgo were enslaved in the mines of Spain by Rome and Carthage. But now, Leon, Aragon, Castile, Navarre, Toledo, Galicia, and Granada, once separate kingdoms, have lost their isolated glory, and are only known as the props of the "worm-eaten throne of Spain." The stronger races of Europe have consolidated their power by extending its sphere and absorbing the weaker neighboring nations. England, Ireland, and Scotland, by union, have been transplanted into colonies and multiplied their strength ; and Russia has clasped the half of Europe and Asia in its strong embrace, until from the furthest West we perceive the conflict of civilization in the furthest East.

These are but illustrations of a law from which America is not exempt. Not more surely will northern Africa, and indeed the countries whose boundaries are coincident with the Mediterranean, become French ; western

and northern Asia become Russian ; and southern and central Asia become English, than this continent become American ! The law which commands this is higher than Congressional enactment. If we do not work with it, it will work in spite of us. This law may be expressed thus : *That the weaker and disorganized nations must be absorbed by the strong and organized nations. Nationalities of inferior grade must surrender to those of superior civilization and polity !*

Whether the races of this continent be in a tribal condition, as are our Indians, or in a semi-civilized and anarchical condition, as are the Central and South American and Mexican races, they must obey this law of political gravitation. This law drives them to the greater and more illustrious State for protection, happiness, and advancement. Whether the United States go and take them, or they come and ask to be taken, no matter. They must whirl in, throw off their nebulous and uncertain form, and become crystallized into the higher forms of civilization.

The largest expression of this law of annexation is : That no nation has the right to hold soil, virgin and rich, yet unproducing ; no nation has a right to hold great isthmian highways, or strong defences, on this continent, without the desire, will, or power to use them. They ought, and must, inure to the advancement of our commerce. They must become confiscate to the decrees of Providence !

In carrying out these designs, we have, from time to time, added territory from France, Spain, and Mexico. We have endeavored to add other territory, which the jealousy of France, Spain, and especially of England, has prevented. It is not my purpose now to rehearse our history in this regard. We may have kept step with our interests and our destiny ; but at this juncture, standing on the threshold of this new year, we are only marking time, not moving forward ! It is well to inquire whether there is not now upon us, as the assembled representatives of this nation, a peculiar duty with respect to this element of our progress. My judgment is, that we are to-day derelict. We are not up to the enterprise of the nation. If we consider just now the elements of our people, martial, mechanical, intellectual, agricultural, and political, who will doubt but that there are a dozen locomotive Republics already fired up and ready for movement ?

The Executive has done his duty. He has boldly followed out his Ostend ideas. He has urged upon us a duty, which being undone, leaves him powerless, and leaves the national enthusiasm and expansion a prey to adventurous raids and seditious propagandists. Had the Thirty-Fourth Congress aided President Pierce in the Black Warrior matter, we should now have representatives from Cuba on this floor !

The President has called our attention to the territory upon our south. Not New Granada—she will come in time. Not Venezuela—she is even yet more vital than New Granada. But the country north of these, and lying between them and us, must be absorbed. For this absorption we must contend, not so much with the people, whose interests will be enhanced by the absorption, but with Spain, France, and England, who have no interests comparable with our own. These interests and antagonisms I propose to consider in this order : First, Cuba ; second, Central America ; third, Mexico.

As to Cuba, the reasons for its acquisition are well understood by the country. The message has succinctly and ably presented them. Its geographical position gives to the nation which holds it, unless that nation be very weak, a coigne of vantage as to which self-preservation forbids us to be indifferent. Our Mississippi, foreign, and coastwise trade, now \$250,000,000, and in five years to be \$500,000,000, are within its compass. While the island is of little use to Spain, save as a source of revenue, it is to us of incalculable advantage. The nature of the colonial office in Cuba, its power to harm us remedilessly, unless we go to Madrid for remedy, and the final stopping of the slave trade, are reasons well urged by the President. Our unsettled claims, and the many other difficulties growing out of our relations to Spain, demand settlement, but receive none.

How long shall we continue in this condition? During the pleasure of Spain? Is there no redress? Is our every attempt to be construed into a usurpation? What impediments have we to meet? There is one which has since Mr. Adams's time proved insurmountable—Spanish pride. It is well said by an old poet, that

"Spain gives us pride, which Spain of all the earth  
May freely give, nor fear herself a dearth."

Since then, there has been no curtailment of that pride. True, Spain has now little to be proud of but her recollections. Poor, sensitive, corrupt, she holds to the punctilio of dignity without its substantial energy. If Spain will not sell Cuba to us, because she feels that she will thereby sell her honor, we must insist on her changing its policy. She should keep the island aloof from French intervention. She should preserve its independence.

Above all, Spain should abolish her present infamous tariff. Her export tariff is an anomaly in commerce, and her tariff upon imports is still more barbaric. Her export duty, which is a direct tax on the producer of her sugars and tobacco, does not so much affect us, as the tax which she loads on our flour, pork, beef, and lard. We have tried in vain by diplomacy to unloosen these shackles. Nothing but the sword can cut them off.

Up to 1809, Spain imposed restrictions on Cuba, by which no trade at all was allowed with any foreign nation. After this, and on the revival of the Spanish merchant-marine, the differential duty on goods imported in foreign bottoms was enacted. It was intended to crush out the trade with the United States. This continued till 1834, when this Congress passed retaliatory laws. No countervailing acts, however, could move the meanness of Spanish restriction. American flour, and other staples for which Cuba must look to a foreign market, are excluded. Thus a balance of trade, averaging \$10,000,000 per year, is kept constantly against us. The duty in Cuba on flour imported from Spain is only \$2.50 per barrel; from the United States, in American or other foreign bottoms, it is \$10.81. So that, if flour be worth five dollars in Cincinnati, the cost to the Cuban consumer is sixteen dollars per barrel! This enormous tax on flour prevents its use in the island, except by the wealthy few—the thirty-five thousand Spaniards. The body of the poor and oppressed Creoles are compelled to use the dry and insipid cassava root as a substitute for bread.

This tariff on flour, added to an infamous tonnage-tax, operates as a prohibition on flour. With a moderate duty, or if Cuba were annexed, its consumption, as it is estimated by our economists, would be a million of barrels! It would be enjoyed by us exclusively—benefit the farmers of my State and yours. That is evident from the fact, that no other country could compete with us in that staple; for no other country is so near to Cuba, or so prolific in breadstuffs.

We exported to Cuba, in 1857, only 45,145 barrels of flour, worth \$324,410; in 1858, 17,905 barrels, worth \$105,069. Of other articles, beef, pork, lard, hams, and bacon, and including flour, we had, in 1857, but \$1,868,783; in 1858, but \$1,228,119. Whereas, had a liberal commercial economy, like that of Belgium, Holland, or Great Britain, obtained, we should have had, at least, \$10,000,000 of produce exported. This would nearly have balanced our trade in sugar and coffee, and on these *we* have fixed no prohibitive tariff! Thus our commerce is crippled under the blows of this Spanish oppression. Why, even the Spanish Crown would be better helped by a more liberal policy. Such a system, in this era of commercial freedom, is a shame to civilization, and if international law were rightly written, it would, itself, be a cause of honorable war! But I have no hope that Spain will sell Cuba, or that the Cubans understand the nature of the blessings which attend annexation. They will not perceive that they become, by annexation, coequal with New York and Ohio, in a common league for the common weal. They fear for their church and domestic institutions, as if *they* were any part of Federal concernment.

I was surprised to meet an impediment raised by a distinguished Senator [HAMMOND] from South Carolina in his Barnwell speech. I trust it is not shared by many Southern men. He objects to taking Cuba; first, because it may involve a war, whose consequences he states to be fearful. He leaves us in doubt as to these consequences. Does he mean the reduction of Cuba to the condition of Hayti? A terrible consequence. That might follow; but that is rather an English than a Spanish threat, and hardly capable of execution in a time when Spain and France are reviving the slave trade to cheapen tropical produce. His second objection is more salient. I quote it entire:

"If we had Cuba, we could not make more than two or three slave States there, which would not restore the equilibrium of the North and the South; while, with the African slave trade closed, and her only resort to this continent, she would, besides crushing out our whole sugar culture by her competition, afford in a few years a market for all the slaves in Missouri, Kentucky, and Maryland. She is, notwithstanding the exorbitant taxes imposed on her, capable now of absorbing the annual increase of all the slaves on this continent, and consumes, it is said, twenty or thirty thousand a year by her system of labor. Slaves decrease there largely. In time, under the system practised, every slave in America might be exterminated in Cuba as were the Indians. However the idle African may procreate in the tropics, it yet remains to be proven, and the facts are against the conclusion, that he can, in those regions, work and thrive. It is said Cuba is to be 'Africanized,' rather than that the United States should take her. That threat, which at one time was somewhat alarming, is no longer any cause of disquietude to the South, after our experience of the Africanizing of St. Domingo and Jamaica. What have we lost by that? I think we reaped some benefit; and if the slaves of Cuba are turned loose, a great sugar culture would grow up in Louisiana and Texas, rivalling that of cotton, and diverting from it so much labor that cotton would rarely be below its present price."

This objection is two-fold. The inter-state slave trade with Cuba, in case of annexation, he thinks, would make several free States, by the demand and consumption of negroes; and even if it would not, Cuba would not give the South the preponderance in the Union; and *secondly*, sugar he thinks would be cheap to the whole Union; while a few thousand sugar planters, who just thrive on the bounty they now get, would be ruined. As to the argument about Kentucky, Missouri, and Maryland becoming free through Cuban annexation, I leave that to the members from those States. As to the sugar, I say, that an argument of that kind addressed to a free-trade people, by a free-trader, should go far to weaken the *morale* of his great and frank speech, as it does the economy of his politics. To the people of my State, such an argument will quicken their ambition to acquire Cuba; not alone because of the millions to be gained by an increase of our exports thither, which are taxed prohibitively; but because we pay a tax on Cuban sugar, which is harsh, protective, and indefensible, in any epoch of a depressed exchequer. In 1857, there were, in all, of sugar and molasses, imported from Cuba into the United States, \$40,093,466 worth. The tariff on these sugars was \$12,028,039.80. Ohio paid one-tenth of this, or about twelve hundred thousand dollars, which is equal to her immense school tax, and nearly a half a million more than she pays for her State government, and nearly one-half the expenses of all her counties. By our tariff of 1857, we reduced the tax on sugar six per cent., and the panic reduced the importation enormously. During the year ending June 30, 1858, our sugars from Cuba amounted to only \$18,620,022, giving a revenue of \$4,468,805.28, at twenty-four per cent. *ad valorem*.

Since 1847, when Mr. Polk proposed annexation, this nation must have paid over sixty millions of sugar tax! Ohio has paid of that sum \$6,000,000. My district has paid one-twentieth part of \$6,000,000, or \$300,000; an annual tax of \$30,000, all for what! That one of the prime necessities of life should be fostered into premature growth, to aid a few sugar planters in the South! If Cuba cannot be annexed, to break this servility, by which the many are made tributary to the few, then we must remodel our Democracy and economy. My State Legislature, in 1854, passed a resolution, at my solicitation, requesting Congress to abate this tax. There is no reason for its existence.

"But," it is said, "we must protect Texas and Louisiana in their few sugar plantations! If Cuba comes in, away goes the tax!" Every man, woman, and child, in my State, will say: "Away with it! Welcome Cuba and free sugar!" "But," says the Senator, "if Cuba be Africanized and kept out, it will keep up the price of sugar, and a great growth will spring up, rivalling cotton." What then? Ecstasy! "Negroes will be in demand. Cotton, too, will be kept high!" What an argument for a Senator of all the United States, every one of whose interests are his own! The Union is a cotton-pod! [Laughter.] Its growth dependent on the growth of the cane! If, by this logic, Cuba is to be kept out, let us know it. Already the Republican mouth grows juicy at the prospect with Cuba in the Union! [Laughter.] It matters not if sugar be made by slaves. That little delicacy of Exeter-Hall sentimental-



ity is becoming obsolete. Even our Quakers are willing to drink *cheap* damnation in their coffee-cups, and eat it on their buckwheats!

My most distinguished constituent, the Governor of my State, and a candidate for the Presidency, will soon outvie your southern Hotspurs in the race of annexation, if thus you dress your laggard logic. In a speech at a Yankee festival in my city, where the Pilgrims were praised for many a virtue which they had not, and their intolerable intolerance was glossed over by the fervor of the hour, Governor Chase is reported to have advocated the policy of "leaving to every one the absolute control of all matters of domestic concernment," and an "indefinite expansion of empire." If this does not include Cuba, I will ask his friends opposite to say what is excluded by his concluding remark, that as the last result of the enlarging empire both of American Government and American principles, he summons "the parliament of man to sit on the destinies of the world"?

I did not dream that I should ever have to welcome the Ohio aspirant for the White House into the support of its present occupant. I did not dream last fall that I should represent him so nearly. I warn gentlemen of the South to observe these signs, and prevent this grand larceny of Democratic thunder, by considering the proposition which some gentleman last session called national grand larceny! Call it by what name you will, I am ready to answer the call of the President, if for nothing else, for the benefit of our \$250,000,000 of yearly trade, which must pass under the range of Cuban cannon. I am ready to vote for the bill of the gentleman from North Carolina [Mr. BRANCH], looking to the purchase of Cuba; and I am not very particular as to the amount of money with which to fill the blank in his bill. In case of our failure to purchase by honorable negotiation, I would favor its seizure in case of foreign war, or of a European intervention.

As to Central America, I do not desire to enter so fully into our relations with this region. That has been ably done by my friend from Virginia [Mr. JENKINS]. We know well the impediment existing in the way of our acquisition there. The Clayton-Bulwer treaty—the diplomatic blunder of the century—stands as a huge gorgon in our path. The policy of its abrogation is conceded; but "how not to do it" seems to have been the practice. The present Executive, in his message of December 8, 1857, bewailed this condition of things. He inherited, as did President Pierce, this treaty of peace, which has proved a treaty of offence. England and the United States have been quarrelling over its construction, when its destruction was the most pacific course that could have been adopted. Collateral treaties may be made which will prevent the consequence of an abrupt abrogation of this treaty. Diplomacy is now, we are told, working to this end.

But there is in the American mind a chronic distrust of England. It is well grounded in her laxity of faith. When her interests can be subserved, she breaks any compact; and only adheres to it when demanded by her interests. Whether the treaties to be made with Honduras, Costa Rica, and Nicaragua, throttle this bantling of Bulwer, whether we are to lose still more by British dilatory diplomacy, remains to be seen. One thing is remarkable, that we have not advanced since 1849, when Nica-

ragua, in the Hiess-Selva treaty, proposed to "confer on us the exclusive right" of an interoceanic canal, or highway. Had that treaty been confirmed, we might have had to-day forts and free cities along its route and at its termini, with full right to protect Nicaragua by all the strength of our navy and army. A year later, and that wily diplomatist, Bulwer—who, for his tact, is sent to the Bosphorus to teach Russia her rôle in the East—comes forward with his *projet*. Our Government nibbles coyly at his bait; but, like a foolish fish, at last leaps for the fly, is barbed, and hauled in to flounder for the amusement of the world. Would that Mr. Clayton had weighed the meaning of Smelfungus's philosophy: "It is always time to cut your throat; but if your throat is once cut, there are certain difficulties in the way of reconsidering your determination."

Crampton and Webster tried in 1852 to unravel the web. Then Webster and Molina tried it, with the aid of Costa Rica. Then Wheeler and Escobar, acting for Nicaragua, made an effort, which our Government failed to accept. Then Clarendon and Herran, for Honduras, sought to untie the knot; and this led the way to the Cass-Yrisari treaty in the fall of 1857, which began *de novo*. Then, a fair treaty was made, allowing us the protectorate of the transit; but through foreign influence it was so modified by Nicaragua as to be unacceptable to our Government. Now, Sir Gore Ouseley, having ceased to be a diplomatic myth here, has gone to the South, where, we trust, something may be done to cancel that part of the Clayton-Bulwer treaty by which we agreed with England to cut our throats, by never "occupying, fortifying, or colonizing, or assuming or exercising any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America." We trust that such an agreement may be made to this end; but my reading of history is vain, if we do not find thrown about this abrogation some clog which the American people will not bear.

The truth is, that we have slept so long, and dreamed so transportingly of our destiny over these regions, that meanwhile Japan and China are opened; Frazer's River becomes an Eldorado; and English and French navies, quitting the attempt on Cronstadt, and tiring of the red storm of the Euxine, display their guns on this continent. Their *entente cordiale*, as Clarendon said it would be, is extended to this hemisphere; and here we have them! They are, by their presence, if not by their diplomacy, ignoring the far-famed doctrine of Mr. Monroe, which had, when first given, as general a meaning and as practical a use, as it ought now to have a specific application. His doctrine was, that the countries of the American continent, by the free and independent condition which they assumed and maintain, are henceforth not to be considered as subjects for future colonization or influence by any European Power.

Let controversy contend as to the meaning of this doctrine. I know that when Yucatan was about to be taken by England, and when English arms were furnished her for an independency of Mexico, which would have been a dependency of England, Mr. Calhoun then tried, in an able speech, to limit the application of that doctrine to the surroundings out of which it grew, namely, to the intervention of the holy alliance to recover the revolted American States for Spain, and the Russian occupation on our northwest. But the declaration has a larger meaning.

It has become settled policy. In 1823, Mr. Jefferson laid it down thus :

"Our first and fundamental maxim should be, never to entangle ourselves in the broils of Europe; our second, never to suffer Europe to intermeddle with cisatlantic affairs."

Yet this doctrine is sneered at, as if Monroe's ghost were invoked to do a kind of constable's duty, to warn all foreign intruders from this continent. So far as emigration is concerned, this continent is open as day; but no flag, no policy, no institution, no colonies, no protectorates of Europe, can exist here, without endangering the peace, infringing the rights, or disturbing the order and prospective interests of this continent. Whatever may have been the occasion of the Monroe declaration, its cause is as eternal as liberty, and its consequences will be as progressive as our nation. I care not for its traditionary emphasis. Democrats, at least, can afford to let that go. Is it sound doctrine for the present? If so, it ought to be the enthusiastic sentiment and genius of this Government. If so, let it be no more the jeer of Europe, the swagger of America, but a fact as much a part of our historic life as the Declaration of Independence, which was its procreant source. It is the law of self-preservation. General Cass, in his recent letter, has given it proper direction. It was intended to guard this continent against the incursion of any alliances, "holy" or unholy. It looked to that law which I have laid down, by which the interests and honor of this hemisphere were to be guarded by none but ourselves. We do not want to be foreclosed against its occupation, fortification, and annexation. In the present feeling of this country, no treaty can be made and made to stand, if it does not break down all protectorates of England and all interference of France. The Senate of the United States dare not confirm such a treaty. The present Executive will not present it. The present Secretary of State will not sanction it.

Does England want Honduras, Yucatan, the Belize? What are they to her? Nothing, except as she can use them to block up the progress of this nation. Does she want free passage over the Central American States? That she can have under our auspices and with safety! What does she with the Valorous and the Leopard in the Caribbean Sea? Why do her officers spy for arms in the American steamer Washington? Is it only fillibusters she is after? I do distrust her. If she seems to acquiesce in our view for a time, may we not attribute it to that popular will which compels her aristocracy to more prudence in reference to America? She pretended to settle all in the Clayton-Bulwer treaty; yet that treaty was a delusion and a snare. While that treaty was yet warm, England drove the Nicaraguan forces out of San Juan del Norte; then she pirates that entrepôt from an independent State; anoints a hybrid savage as a king; gives to a few Jamaica negroes, dressed like the Georgia major without his spurs, the constabulary baton, and builds a congeries of negro huts which she nicknames after the Earl Grey. She performs the same office for Honduras, by what Clarendon called the "spontaneous settlement" of the Bay Islands; and then claims from us good faith in keeping the compact which she breaks! Then comes Sir Gore Ouseley to

maintain the delusion, in spite of Lord Napier, who goes home. What more? She approves of the Cass-Yrissari treaty by fomenting difficulties in the way of its ratification. She pretends to Mr. Dallas, through Malmesbury, that Belly is a French adventurer for whom she has no sympathy; yet, in acts, gives to him French and English protection, through the alliance. It is not safe to trust her. Her treaties are ropes of sand. Her international law is too elastic for use by any but herself. Her designs are steeped in fraud; and all complications with her are dangerous and entangling. Thank God! we have a Secretary of State whose life is marked with signal ability in anticipating, demonstrating, and frustrating her designs. This nation will sustain him in his declaration that

"The establishment of a political protectorate by any one of the Powers of Europe over any of the independent States of this continent, or, in other words, the introduction of a scheme of policy which would carry with it a right to interfere in their concerns, is a measure to which the United States have long since avowed their opposition, and which, should the attempt be made, they will resist by all the means in their power."

Behind this rock the present Administration are intrenched. There is no feeling in this country worth calling patriotism, which does not stand squarely up to this high and strong position. Why should not this Congress, by some definite action, stand by the popular sense and the Government? I am ready either to give the moral force of a resolution such as that now referred to the Committee of the Whole, to abrogate the Clayton-Bulwer treaty; or I am ready to go further, and to clothe the President with extraordinary powers, and to give him means, or the authority to procure means, by which his recommendations may be acted on.

But it may be said, Why so much risk of war with the combined powers of Europe; why so much anxiety for the Isthmus or Central American route? Not because we are in danger of being cut off from its dominion. That will come, if these Central American States remain independent of European constraint. Not because it is the only feasible mode of transit for the great oriental trade between the oceans; for in time there will be rapid and safe transits on our own soil. Not so much because we ought to have and hold the hundred and fifty millions of trade with these Spanish American tropical lands, instead of but ten millions which we now have. But nature never made so narrow an obstacle, one so easily severed, and on which such great commercial and economical results depended, as that at Darien or Nicaragua. She buried mountains and valleys beneath the wave, to narrow that neck, and thus expand the bounds of interchange, and encircle the earth with a white zone of argosies.

If New Granada shall be ours, as it should be within a twelvemonth, unless the Congress of Bogota show more honesty and wisdom in settling the claims of our Panama sufferers, than is likely; if New Granada would follow the advice of Gonzales, her attorney-general, and enhance her interests by applying for admission to our Union; and if Venezuela would follow the wise inclinations of her patriot chief, General Paez, whose exile here has made him love the land of his home the more for the prospect of uniting its fortunes with ours; then, indeed, these Central American States, now the football of European diplomacy, must either come to us, or be powdered into nothingness between the industrial movements of the sur-

rounding States. Once let the agriculture of Venezuela be smiled upon by a protecting Government, and her magnificent ports would soon fill with the keels of her elder commerce. Let northern energy blend with her undirected labor, and the gold mines of Upata would gleam with their olden treasures. Let Panama break from her vassalage to her irresponsible rulers, and that mart of the golden age of Spain and her viceroys will teem with a wealth which no buccaneers in a thousand caravels can bear away. These accomplished, and the intermediate States of Nicaragua, Costa Rica, Salvador, Honduras, and Guatemala will follow, as surely as the sheaf of the summer follows the seed of the spring. The trade of all tropical America would then fall to us naturally by our proximity, and by the variety of our productions with which to barter. These tropical wastes ought to give us coffee, indigo, and cocoa, which are failing in India, as well as the cabinet woods, so much in demand. In return they will take our flour, pork, machinery, fabrics, and a thousand other articles which they need, and which every State of this Union produces. Our trade, which now counts its hundreds, will then count its millions.

If this Congress has optic nerve enough to look a few years ahead, it will at least start a policy that will secure all the isthmus highways, which are so indispensable to our development and power. Its first duty is to repel every attempt of the remotest influence, come from what quarter it may, which may impede this procession of events or arrest our inevitable and legitimate aggrandizement. No nation with one harbor, much less a nation with a coast bestrewn with harbors like ours, can be long prosperous within, that does not prosper and grow without. When a State, which is commercial by situation, forgets the work of outbuilding its empire, it loses its inner vitality. The day that marks its failure to meet every rising opportunity of advancement abroad, marks its sure decline at home. As with the individual, so with the State; if its ambition be dead and its hopes of expansion smoulder, its dissolution is speedy and sure. While its intellectual and physical energies are tense and grasp a large range, its internal and foreign empire will become consummate, because it has the everlasting law of GROWTH!

We have illustrated that law with reference to our southern neighbor, Mexico. The effete and wasted portions of Mexico, being one-half of her area, lying next to us, became nutriment to our stalwart strength. The very dirt of the ground became assimilated with our energy, and lo! from our Mexican purchases, \$70,000,000 of gold per year are sucked into every conduit of American life, to enhance its happiness, and give fresh comfort to its homes. It was once objected, that the soil of California, New Mexico, and Arizona was poor; a land of sand and centipedes; that there was no homogeneity in the people. True, they have six millions of Indians, with Spaniards in plenty and pride, and of mixed people not a few. But are they worse than the Indians of our own soil? On the contrary, they are far better. They are tractable, stout, and laborious. Spain managed them with but a handful of soldiers for three hundred years. She managed them, too, under every provocation to revolt. Had an American protectorate been the sequence of Scott's occupation, a few months of protection would have given their industry its reward and peace its blessing. Then, too, we should have no apprehension to disturb our present relations with Mexico.

To these relations I propose to call the attention of the House. In the discussion, I need only remark, historically, that on the discovery of this continent there was but one nation in North, and one in South America, which seemed to be possessed of any civilized advancement. Peru, under the Incas, whose white robes betokened the almost divine simplicity of the people; and Mexico with a society that was Arcadian in its simplicity, and with a polity wonderful in its complications. The State, the priesthood, the cultivators of the soil, the rulers, and the ruled of Mexico, lived in peace under a lovelier sky than that of Naples, and on a richer soil than that of ancient Latium. Let it be remembered that this prosperity and contentment were not alone the result of good laws, but of good land; of good manners, but of good mines. There was, in the Aztec tongue, no language of cupidity, though gold roofed the temple and jasper built the altar.

I need not repeat that this isolated case of civilization on this northern continent was mostly the result of the unparalleled climate and soil. That climate and soil remain. Three hundred years of misrule have not impaired the salubrity of the one, nor detracted from the wealth of the other.

The Spanish rule at length was thrown off for a Republic like ours. The inborn strength to throw it off, after so long a trial, showed a spirit of freedom which received its plaudits from this nation at the time. In February, 1821, at Iguala, Mexico declared her independence. On the 4th of October, 1824, she adopted her constitution. England was first to recognize this progress, and, as usual, for her profit. The lower clergy and the masses, consisting of Indians, were its creators and beneficiaries. The upper clergy never sympathized with this severance from Europe; and until the revolution of Ayutla, consummated by Comonfort, they never became a power in politics. His policy touched their estates. They struck back. His law of *desamortizacion* confiscated \$18,000,000 of their property, which passed to private individuals. They struck back, even at this compromise confiscation. Comonfort reeled under their blow; reeled from the Puros to the Moderados, and from the Moderados to the Church and its conservative defenders, into whose arms he and his anti-Church policy fell. We need not wonder at these changes, when we remember that a magnificent and organized hierarchy held \$300,000,000 of property, with a revenue of \$20,000,000, being \$5,000,000 more than the best annual Government revenue.

Mr. Cushing said, at Richmond, that these party names of Liberal, Constitutional, Pure, Moderate, Central, and Federal, so often appearing in our Mexican news, "were but the watchwords of contending factions, efficient alike only to waste their common country." Hardly true; for it must be remembered that in Mexico, as in all nations, there will be parties founded on interest or hope, conservative or radical, with intervening moderate shades. There is in Mexico, well-defined, a Central, Federal, or Conservative party, under whose rally men of wealth and of the Church, and of unprogressive temperament, naturally gather. This party would centralize power in the federal Government, and thereby become aggressive upon the States. It would lean toward a strong government; and hence its eye is ever on tradition and Spain. It would to-day hail Spain or France as its master to attain its end. Santa Anna, Zuloaga, and

Robles have been its executive representatives. Miramon assumes the same position just now. The natural antagonists of this party are the Puros, the Moderados, Constitutionalists, Democrats, or call them what you will. Federal restraint to them is irksome; Europe and kingcraft hateful; and the Church despotic and avaricious. In the language of Mr. Gadsden to Alvarez, in June, 1855, "they would limit the central power to that alone which is exterior; and thus they would seek, like the United States, to grow without anarchy into strength and prosperity." Their aspiration is for a republic like our own. They need and deserve our sympathy. Juarez is their Executive—a pure Indian, whose descent is from Montezuma. Degollado is their general, and Mata their minister, seeking recognition here. This party have a majority of the States and nine-tenths of the people of Mexico with them. They have the revenues. They hold the ports. Their President is *de jure* and *de facto* Executive. A little more patience, Mr. Forsyth, and you would have recognized it thus, and not (as you did) otherwise! *De jure*; for, by the Constitution of Mexico, adopted by an extraordinary Congress, at the Capitol, February 5, 1857, it was provided, by section seventy-nine, that—

"In temporary default of a President of the Republic, and in the vacancy before the installation of the newly-elected President, the president of the Supreme Court of Justice shall enter upon the exercise of the functions of President."

And, article thirty-two :

"If, from whatever reason, the election of President shall not have been made and published by December 1st, upon which the change is to take place, or if the newly elected is not able to enter promptly upon the exercise of his functions, the term of the preceding President shall nevertheless cease, and the supreme executive power shall be deposited *ad interim* in the president of the Supreme Court of Justice."

When, therefore, on the 11th of January, 1858, General Comonfort vacated the Presidency, the Constitution devolved the office upon Benito Juarez, the president of the Supreme Court of Justice. *De facto*; for he holds the field, and has the money and the masses. The Federal army, it is true, was not at his command. Felix Zuloaga was illegally named Dictator by a clique at the capital, January 22, 1858; and he having the army, and holding the capital, Juarez transferred the administration to Vera Cruz. There was no such officer known as Dictator, and Zuloaga has paid the penalty of usurpation by deposition. There can be but one executive, and Robles, who assumed Zuloaga's place, was not that officer. The Constitution under which Juarez acts is the only organic law, and that does not recognize the junta which elected Miramon, to whom Robles yielded his fasces. This Constitution is the rallying cry of the Liberals; to its defence the nation is committed; by it alone is order possible. To sustain its upholders is clearly the duty, as it is the interest and desire, of the United States. President Buchanan has well considered these facts. In the success of the constitutional party he places all his hopes of redress for the innumerable outrages to our citizens. If this party fail, and there "being abundant cause for a resort to hostilities against the Government now holding possession of the capital," I am ready to vote for any system of reprisal, or to grant the Executive the power to take possession of any portion of Mexico, as a pledge for the settlement of our claims. I say that I am ready to vote for such reprisal or occupation. But I

have considered these parties in Mexico with the view of qualifying this declaration. I believe that it would be best, at once, to recognize the Juarez Constitutional Government, by the most solemn assurances of sympathy and protection. The late news makes this step *imminently urgent*. This can be done, first, by the prompt recognition of Mata, who is here seeking such recognition; second, by the sending of a naval force to the Gulf, where we are unrepresented. This force should be accompanied by a commissioner to treat with the Juarez Government; to counteract the influence of the allied fleets now aiding Miramon and Robles, and threatening Juarez; and with the latter to cement an alliance, and to obtain such a settlement of our claims and difficulties as will comport with our interest and honor. I have the surest authority for saying, that such an arrangement would give us, not only a firm union with Mexico, not only postal and extradition and right-of-way treaties, not only a foothold in the northern Mexican States, which can be made permanent without war; *but it would foil every attempt of the European alliance to control the affairs of Mexico*. It would crush the Robles-Miramon Government, elevate and organize the Democratic American sentiment, and give us an alliance of peace, which is the precursor of a magnificent commerce.

If, however, we seize Sonora and Chihuahua, without an understanding with the Constitutional Government, what will be the result? Poor and miserable as is the condition of Mexico, she would likely declare war. Such a declaration would come from the Robles-Miramon faction. It would draw to that faction the strength of the nation. It would, perhaps, crush Juarez and his party, and leave us no better off than if we had pursued a more politic and pacific course.

Again, if we delay to recognize the Constitutional Government, it will soon be in power at the capital as it is in the provinces. It can then say to us, "Oh, yes; you would not help us in our extremity, when your advantage should have prompted you, and your sympathy would have been of service. We can get along without your aid now. Touch not a foot of our soil, on the penalty of an endless difficulty." Wisdom, interest, the law of American progress, and the predominance of our Union on this continent, all urge the course I have indicated. Juarez waits our action. Shall we miss the golden opportunity? If we fail in our efforts with him, then I am willing at once to take Sonora and Chihuahua, whichever party succeeds.

I believe that the list of American claims and cruelties, which has even provoked the English press to wonder at our forbearance, is warrant enough for such possession. There are even yet higher grounds for such seizure. The French Minister, De Gabriac, rules in the Miramon councils. A French fleet rides before Sacrificios. The French admiral was very ready to back Spain in her demands. *To break this French power is our imperative duty. If it be not broken, our line of extension southward to Central America will be broken irrevocably.*

Such is the condition of parties in Mexico. I need not discuss it further. The contest now is between the democratic element and the conservative element. The latter has its eye ever on Europe, and averse to the United States. Its rule has proved the most distracting and dis-



astrous ever yet known in the annals of the South American Republics, where the earthquake and the revolution alike awake the same sad cry of anguish, and receive the same defiant, destructive answer.

I need not have pictured this land of beauty and order as it was once, to heighten the contrast of its present condition. After thirty-eight years of debilitating spasms, we find, to-day, the spectacle of Mexico helpless, bleeding, dying; the Turkey of the western world; and capable of no effort even of resistance to the Spanish fleet, much less to the French or English. Rapacity, crime, chaos, craft, license, and brutality; indolence only active to wrong, and industry quickened only for vice; laws made for their infraction, and order to be contemned. Mountain cries unto valley for relief; and from hacienda to city goes up the agony of despair. This is unhappy Mexico, in whose fate no nation ever can have the interest we have till such a nation conquer us. *Who shall intervene?*

Were it only the natives who suffered, we might stand aloof, and say, "They have made their bed; let them lie in it." But even this would be culpable indifference. Good neighborhood does not thus do its office. The artisans of the city of Mexico are out of employment, and hungering for food. Let this one fact speak volumes. In the three pawnbroking establishments of the city, called Montes de Piedad, the last year, there were 68,000 borrowers out of a population of 185,000; \$912,000 was loaned, and \$869,000 paid for its use. With an army of 11,700 men, of whom 5,800 are officers, and a debt of \$120,000,000, and an expenditure by two Governments; with but one-eighth of her arable soil cultivated, and her mines unworked, or if worked the treasures at the mercy of the red guerrilleros who infest every avenue of intercourse; with every one of her twenty-two States and six Territories parading an array of contending forces and ambitious guerilla chiefs; Garza and Vidaurre conferring in the North to move down and check the Federalists of the interior; Pesquiera about to move on Mazatlan; Alatrisme on the plains of Apam; Camañon, from Matamoras de Izucar, waiting to besiege Puebla; Blanco in Michoacan; Iturbide in the Bahia; Marquez repulsed from the Puente Calderon, around which gather the combating forces under Miramon, Brocha, and Degollado; Mejia defeated by the liberal forces under Puebla and Huerta; the environs of the capital swarming with the Liberal soldiery; this was the picture of a few days ago!

The scene changes. The Federal chief Echeagaray betrays Zuloaga, and, in collusion with Robles, makes the latter chief. Echeagaray in turn is imprisoned at Puebla; is about to be shot; when, lo! an insurrection in the city of Mexico saves him, and Zuloaga rushes to the English flag for protection. In this complication, a junta is called to settle the difficulty; and who should be chosen but Miramon, a dashing young general, flushed with his successes over the Liberals, and who moves toward the city under the fluttering pennons of his cavalry. Meanwhile young Alvarez and Villava lead their speckled Pintos down on the warm lowlands for pillage; while Juarez, dignified and statesmanlike, holds his rule in Vera Cruz, the commercial metropolis. Mexican conducta go down to the sea under the French flag, to get his revenues, to help one party by robbing the other; while the fleets of the three great nations of Europe gather on her coasts, and ask, from their gaping gun-mouths, the results

of spent plunder ! It is as if Dives should besiege Lazarus with a bowie knife and revolver, and bid him disgorge the furtive crumb, as indemnity for the past and security for the future ! Fifty generals and a nation of seven millions, not knowing what may be their fate ! The Agiotistas hold the money and oppress with it. The generals murder and pillage in gross, and the bandits in detail. Indians never before in arms rush to them for self-preservation. Foreigners, ever at the mercy of these fickle factions, find no protection in their flags, and no hope but in passive submission to forced loans and open robbery. This is the spectacle of mutilated Mexico to-day. To-morrow it may be worse !

I repeat it, *Who shall intervene ?* Some one must. Our interest is paramount. Why this interest ? Not only our proximity to Mexico ; not alone the number of our citizens domiciliated in the country ; but a common interest in the development, in retouching, as it were, into its primeval color and grace, of that elder beauty which Spain tarnished and anarchs have torn to shreds. Our interest lies first in Mexico's erect and orderly independency. If that be no longer possible, then that no Power but our own shall guard its weakness and administer its estate. This is the only programme which this nation can tolerate, and by which it dare abide and survive or grow !

As to our proximity : the reasons on this head for our intervention are well set forth in the President's message ; I cannot add to its force. A temporary protectorate will effectually, if not nominally, give us the States of Sonora and Chihuahua. They are very sparsely populated, there being about three hundred thousand persons to their two hundred and twenty-three thousand seven hundred and ten square miles. These lands are represented as delightful in climate and rich in resources, agricultural and mineral. They have been described as the land of the blessed in Oriental story. Summer and winter, table land and valley, are nearer akin here than in most places in the world. Silver is in their streams—in lodes with crests elevated above the ground. Spain demonstrated their riches ; but the nomadic Apaches swept over this Eldorado, and left but a memory of its treasures which American enterprise is already vitalizing into a reality.

Is it objected by southern gentlemen that these States must become free, and not slave States ? You have been claiming your constitutional rights. Where is there a word about the equilibrium of the States in the Constitution ? Under it you have equality of rights, but no right of equality in the number of States. This equality is not of arithmetic, but of political ethics. The moment you claim equilibrium of States, that moment your honor is compromised and your loyalty to the Constitution is questioned.

Do you say, "We will favor this protectorate if Tamaulipas and New Leon are included" ? Very well ; try that. I will vote for it, or vote to include any other State where you think you can raise coffee and sugar, and can outvie the North in the race of colonization and power. I will gladly vote for a protectorate over an independent federation of States north of the Sierra Madre.

Mr. MILLSON. I want to know under what authority the gentleman

from Ohio represents southern gentlemen as desiring all these Mexican States?

Mr. Cox. I have not so represented them. I say, southern gentleman may not wish to take Sonora and Chihuahua, lest they might become free States, and not slave States. It was a suggestion made to me by a southern member, and I said to him, "Come along; we will put in Tamaulipas and New Leon. We will link them hand in hand." For myself, I am willing to give protection to northern Mexico; if not for annexation, for a free trade which will be of mutual advantage, and will be practical absorption. It will at least prepare these States for admission. Let Monterey be the nucleus of Zacatecas, San Luis, Queretaro, Tamaulipas, Coahuila, New Leon, Chihuahua, and Sonora—all the States between the Rio Bravo and the Gulf of California; all natural allies in the interests of the United States. Let them cluster in upon our ensign, not star by star, but in a galaxy. By that, you do at once what will in time be done by the natural laws of development. Besides, you raise our present feeble trade of seven millions to twenty-eight which Great Britain enjoys. You can thus enhance every inch of soil, and every shining particle of ore in these regions.

As to the question of protecting our citizens already in Mexico, and demanding reparation for wrongs done them, this should be a capital cause of intervention in Mexican matters. Senator MASON's bill is rightly predicated on this cause. If Spain could make the Liberals pay for the murder and spoliation of Spanish subjects at San Vicente, Chiconcuague, Durango, and elsewhere, in Comonfort's time, why are we asleep over the rights of our citizens? I have before me a list of these claims, but a very imperfect one. Each claim is a *casus belli*. Here are some dozen cases of illegal seizure of American property. I saw it noticed that some eleven millions were already calculated at our State Department. We have grievances beyond money. The sentences in relation to illegal marriages are a wrong to those without the established Church, and degrade to crime the holy relations of parentage and wedlock; the infamous surveillance of the post office over American letters, refusing to deliver even the United States consular correspondence, unless it were first inspected by Mexican authorities; and worse still, the rude, cruel, and brutal arrest and imprisonment of Chaplin, Stocker, Ainsie, and Garcia, are enough to make the Haynaus of Austria pale beside the imbruted and unbridled scoundrelism of Mexican officers. The story of Ainsie, seized on American soil, sixteen months in the prisons of Sonora, wearing the *barra de grillas*; and that sad, saddest of all stories, the massacre of his brother-in-law, Crabbe, and his confederates, whose characters have been blackened to rob their murder of its heinousness; these should move the very stones to sympathy.

In this matter the United States have but one duty. These sufferers were our citizens. Wherever that character of citizenship is to be found, the individual bearing it is clothed with the nationality of the Union. Whoever the man may be, whether native-born, naturalized, or semi-naturalized, he can claim the protection of this Government. It may respond to that claim without being obliged to explain its conduct to any foreign Power; "for it is its duty to make its nationality respected by other na-

tions and respectable in every quarter of the globe." This doctrine was illustrated in the Koszta case. What difference is there between a dungeon in Guaymas, where Ainsie lay in chains, and the Austrian brig Huzzar, which held the body of the Hungarian?

The outrages upon our citizens are not confined to Mexico. In every Spanish American State they are common. In Peru, in Paraguay, in New Granada, in Cuba, in Costa Rica, in all places where the slanders of the Madrid press against the "peddling traders of the North" enter, we have to meet persecution, imprisonment, illegal seizure of property and person, and an unwinking espionage; and that, too, under taunts more galling, because we know how easy it would be to punish such outrages. We should examine the list of claims on Spanish-American States to appreciate the divine forbearance of our inactivity. A settlement with Mexico would be a general settlement with Spanish America.

This duty of intervention becomes at once imperative and dignified, when we remember that, by such an act, we do not only protect our citizens, but we save Mexico. We not only save her from Spain, France, and England, but from herself. This is no conquest of Cortes. It is the salvation of a people whose interests will be bettered by our aid. Without such aid, the fairest part of this continent will be a ruin—only the worse because, like the Parthenon, its fragments will remain to show the beauty and richness of its former condition.

In conclusion, the policy I have indicated with respect to this continent, and the application of which to Cuba, Central America, and Mexico, will be of such benefit to them, will enable us to conform to that law of growth by which alone we have become great, and by which alone we can become greater. This is the policy of other nations, and they have met obstacles to accomplish it. We shall accomplish it, but we shall have *them* as our obstacles. England has swept with her power from the Shannon to the Indus. She should be content, as we are, to see her greatness repeated in the career of her offspring. Yet she daily calls our attempts to expand by the rudest terms. France has twice threatened Europe with continental conquest, and now organizes the Arabs of Northern Africa, the granary of the Roman world, for her march upon Egypt and her domination of the Mediterranean. Russia, the great land animal, is piercing Asia at every vulnerable point, and is pressing for an empire of which there is no adequate prophecy in the Scriptures. Even Spain joins her arms and her priesthood with France, and is waging against Cochin China a war which her journals call the civilizing spirit of the age, impelling the force of Europe to break down the barriers which divide that race from humanity.

Yet all of these nations, except Russia, which has ever been kind and tolerant toward us, are this day in league to prevent the stretch of our influence over our continent. England, holding half of North America, is jealous of our growth, and would choke us at the isthmian neck. France would crush out the sympathies of the white republic of St. Domingo for the United States, by her Chevalier Reybaud, chargé at Hayti; and she used that burlesque of emperors and that ape of manhood, Soulouque, to Africanize the island, to overthrow Santana, and to break down the Casneau treaty for a free port and steam depot, and for advantages to our

citizens in the mines, sugar lands, and mahogany forests of that island ! France again appears in the Sandwich Islands ; at the Isthmus, with M. Belly ; and at last in Mexico, aiding the Spaniards, and in sympathy with the Spaniards of Cuba, to foil us in every attempt to adjust our national relations with that country. Every steamer brings us a lecture from Exeter Hall on our slave propagandist fillibusterism. And may we not go for its commentary to Copenhagen, to Ionia, to Gibraltar, to Malta, to the Cape of Good Hope, to the Red Sea, to Jamaica, to New Zealand, to China, and to the rajahs of all India ? Why, the British régime in India was a system of torture more exquisite than regal or spiritual tyranny ever before devised. The Sepoys vainly tried to copy its atrocities.

Were we left alone, we might be content to let France alone. No American would whisper a "nay" to her making the Mediterranean a French lake. Her genius and vivacity can make its waves glow with the light of other days. That sea on which navigation had its birth—the maritime world of Greece, Carthage, Rome, Tyre, Sidon, Turkey, Egypt, Persia, Venice, and Genoa—the sea of Homer and David, Jonah and St. Paul, Ulysses and Neptune ; washing the base of Ararat and Olympus ; with a world's history on its bosom, and whole nations in its bed ; the American can well say, let its guard be the gallant sons of France ! He could say it without envy, and with heartiness, if France would keep her navies out of the Gulf of Mexico and the harbor of San Juan.

We have made no remonstrance against England on her ceaseless round of empire—bloody, cruel, and rapacious as it has been, subjecting the riches of Asia to her commerce and her greed. We know the law by which these powerful white races move. It will be irresistible. France, England, and Russia are tending to a common focus at the Isthmus of Suez, as France, England, and the United States are at Darien. Starting from opposite points, extra-European conquest converges here. England seeks passage across Egypt or Syria, for India and Australia, and pounces on Perim at the mouth of the Red Sea, as she did on Gibraltar and San Juan. France, marching her army of Algeria, presses toward the prize to realize the great Napoleon's dream of Egypt, and urges her canal at Suez as she is striving to do at Nicaragua. Russia, semi-oriental, marches through western Asia and Persia down upon the confines of English power and French ambition, and finds her rivals in the field. What fine reproaches they can hurl at each other and at us for the lust of dominion, when they gather at this focus of former civilization ! What shocks of contending forces will there and then be encountered ! Let them come and strive. Let Russia push its caravans across the steppes of Tartary until the trade of Kiachta and Irkootsk rival that of Canton and Shanghai. Let France divorce Asia from Africa by marrying the Red Sea to the Mediterranean at Suez ; let England work its iron way to India from Beyrout to the Euphrates ; let the steam engine labor for the millions of Asia under any engineer ; but let America alone in her armies of occupation to open the Isthmus, and control the steam and commerce centre of our own hemisphere.

No change of dynasty, or of form of government, can check this ultimate condition of European expansion and collision. Such a change may affect the relations of these countries to ourselves. The illiberal policy of

France to this country may return to plague its inventor, the usurper of France. I have never heard his hated name since the 2d of December, that I could repress the prayer, which now I pray with something of a Red Republican fervor, that France may have barricades on the Boulevards; the throne in flames, as that of Louis Philippe in the Place du Carrousel; the dynasty which he seeks to perpetuate cut off, or flying from the rage of a Red Republic; more citizens and fewer soldiers, and both fraternizing to the music of the Marseillaise; exiles returning from their homes in pestilential swamps, amidst gay and festive welcome; prisons breaking; the press free; the Palais de Justice open, and the tri-color of a new Republic flashing from every part of France, and topmost on the Hôtel de Ville, made sacred by the heroic eloquence of Lamartine. This would be a fit retribution from God for crimes and perjuries; and not at all unfit as the reward of an intermeddling policy with the republican interests of the New World!

Let us be decided! These European Powers cannot, and do not, have peace. The bugles of truce sounded at the conference of Paris. Heralds proclaimed peace in every capital. But the war harness is not off. It is burnished anew, and the weapons within reach! England, trembling at the one hundred thousand soldiers across the channel, and the naval wonders at Cherbourg, commences to build coast defences. Russia acquires Villa Franca, and stirs insurrection in Ionia against England. Mazzini issues his rescript to the secret societies and Republicans of Italy to be ready and one as the thought of Italy and God. The coin of "Emanuel, the King of Italy," is circulated through the peninsula. An actress moves the people of Venice to insurrection by a recitative which reminds them of their patriotism. Austria arms, and Piedmont proposes to repel. France sends more troops to Rome. Austria growls. France obtains from the Swiss a strong strategic post, and Austria growls again. Naples insults Napoleon to please Austria. England writes bitterly against Naples, and does not spare the prosecutor of Montalembert. England shakes with a new reform movement—John Bright striving to Americanize her by popular sovereignty. Turkey is unsettled in Europe and in Asia. Russia moves on, immense and great—the envy of all. A lighted match may flash this magazine into a terrific blaze, whose thunder will make all Europe quake. The alliances of to-day, in Europe, for her own balance of power, may be dissolved by a popular breath to-morrow. As a consequence, they cannot be relied on to pursue us to any fatal end.

Already England has pushed this alliance with France to its snapping point. The English people will not permit their aristocracy to carry it so far as to make it an offence to the people of this commercial nation. Not but that the English Government would like to aid France in checking our career; but trade is powerful for peace, and peace with us means cotton in England. Let England find cotton elsewhere, and our Southern friends may be assured that her intercourse with us will be no longer peaceful. Gentlemen need not flatter themselves either, that cotton is their peculiar staple. Why is England trying every appliance to reach central China? To clothe in her fabrics the four hundred millions of Chinese? No. They are thus clothed, and mark it, by nankeen, which is the stupendous growth of their own great central valley, estimated now to produce more than

double the cotton raised in all our southern States put together.\* This valley being England's, Manchester and Stockport can snap their fingers at Charleston and Mobile, and English audacity will begin a new career of rapacity and insolence toward us. Her jealousy of us is *intus et in cute*. Our reliance must be on our own strength and growth. If we cannot enact the Monroe doctrine into international law, we can create and consecrate it as a national sentiment. Let it be the national genius. Let it be the power of Aladdin's lamp. You remember the story. The old lamp from its friction evoked from the cave a mighty spirit; awed by its terrors, the poor youth only ventured at first to employ its powers in familiar affairs; but gradually accustomed to its presence, he employed it to construct palaces, to amass treasures, to baffle armies, to triumph over foes, to wield the elements of air, light, and heat, until, at the close of the story, the poor youth becomes the sovereign of a peaceful empire assured to his remote posterity!

This story, Mr. Speaker, is the type of our political genius. By it we have fortified ourselves in our domestic interests. Our domestic and territorial policy is fixed under its guidance. It is the instrument of that progress which must keep pace with steam and telegraph, until we are assured of an empire with which kingcraft dare not meddle; or meddling, find it a power to baffle its force of arms, and its fraud of diplomacy. We have become a Colossus on this continent, with a strength and stride that will and must be heeded. With our domestic policy as to local governments established, we can go on and Americanize this continent, and make it what Providence intended it should become, by a perpetual growth and an unsevered Union—the paragon in history for order, harmony, happiness, and power!

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#### MEXICO.

LAWS OF NATIONAL GROWTH—MEXICAN RECOGNITION—MONROE DOCTRINE—PROPHECIES AS TO  
FRENCH INTERVENTION—MANIFEST DESTINY—EUROPEAN AGGRANDIZEMENT.

On the 19th of March, 1860, Mr. Cox said: In speaking to the motion to refer the bill and amendment under consideration, I premise that, before that vote can be intelligently taken, our relations with Mexico must be considered. If it be objected that this discussion is inappropriate on this motion, I say that the late news from Vera Cruz, before which Miramon is now hovering with his army, and the projected armis-

\* When this remark was made, Hon. HUMPHREY MARSHALL, who was a member at the time, and who had been our Minister to China, called it in question; in fact, saying that cotton was rather imported into China. He had forgotten that, although along the coast England had traded her cotton off to the Chinese, the vast interior was not reached by trade at all. Since then, cotton has been struggling for his sceptre. His claims have been thoroughly investigated; and by none more exhaustively than by the Hon. F. A. CONKLING, from whose pamphlet I learn that China last year exported to England 399,074 bales, besides large quantities which went into the United States and France. This was in addition to the home consumption, as to which it is alleged that, "Every morning throughout the Chinese Empire, there are three hundred millions of blue cotton breeches drawn over human legs. Men, women, and children alike wear them."

tice tendered by England to the belligerents, make it important that at no other point of the Mexican boundary should these relations be complicated. 'Mexicans and Indians are devastating the Rio Grande country. The Governor of Texas asks Federal aid. If it be not granted, he threatens to conquer a peace on Mexican soil. A war with Mexico, as its result, would not only embarrass the relations of this country with respect to the late treaty, but it concerns the honor and interests of our citizens commorant in Mexico.'

Europe has her continental politics; America has hers. England sends ambassadors, and France armies, to Italy; the one to foil Austria, the other to fight her; and both to rescue Italy, as well from her invaders as from her own immoderation. We have our Italy. Not alone is Mexico our Italy by her natural beauty, production, soil, sky, romance, and history, but Mexico is our political Italy. She is torn to shreds by those who are fighting over the parting of her garments. Such is the present condition of Mexico, and such is our interest in it, that we cannot be either idle or indifferent to its fate. It is one of those cases of great public distress which lie at our very doors. We cannot avoid seeing it. It is in our path, as an obstruction to our progress and a menace to our peace. Self-interest, if not republican sympathy, demands from us for Mexico our quickest heart throb and our most active intervention.

Mr. BOYCE. Mexico is our "sick man."

Mr. COX. Yes; she is to America what Turkey is to Europe. If she be not healed of her wounds and set upright on her progressive path, she will become not the "sick man" merely, but the dead man, whose very corpse will arrest our steps, taint the air, and poison our own political system. To save her, she must be inoculated with American energy. To save her!—alas! is she not already a wreck, whose disparted ribs and crashing timbers, tossed on the wild wave of anarchy, endanger the safety of her neighbors?

When the Spanish American provinces, forty years ago, revolted against their mother country, this nation inaugurated a continental policy. It bears the name of our most sagacious and calm statesman—the Monroe doctrine. It forbids European interference in the national affairs of this continent. That doctrine has, with the nations of this continent, a sanction equal to international law. It has done good service. Silent as the tides, yet as potent, it has swayed millions by its influences and effluences. That policy can be amended and enlarged. From its serene quietism, silent emphasis, folded arms, frowning face, and warning gesture, it should be aroused to earnest protest and armed interference. So far as Mexico is concerned, this must be done; if we do not do it, other nations will. As I have before said on this floor, if Mexico complete the suicide which she has begun, her estate will be left for administration. Shall it be administered by strangers? Shall it inure to the benefit of those who are neither akin to her by political sympathy, nor neighbors in interest or destiny? This is the problem which statesmanship is urged to solve.

My solution, sir, is not new to this House. I submitted it, with great deference, in a speech on "territorial expansion" on the 18th of January, 1859. I urged that our interest lay, first, in Mexico's erect and orderly independence; and secondly, if that were not possible, then that no Power



but our own should guard its weakness and administer its estate. Since then, by the inexorable logic of events, my position has been strengthened and my conclusions confirmed. In seconding the views of the President last year, I urged that we had abundant cause for hostility against the Miramon government, then and yet holding the capital. I was ready to vote for any system of reprisal to bring about a settlement of our claims. I was ready to give the Executive power to punish the atrocities upon our citizens domiciliated in Mexico.

I need not say how this programme has been carried out by our Executive. It is now history. The President has pursued the wisest policy possible. He is clear now, and for the future, of all blame for these complications. A year hence, and his policy no one will question. In three months afterwards he recognized the Juarez government. This was the government *de jure* and *de facto*. This recognition was followed by the appearance of Mr. McLane and a naval force at Vera Cruz. This was succeeded by the advantageous treaty now before the Senate. If that treaty be confirmed, not alone will our commerce grow from its present languishing condition of some eight millions to some twenty millions per annum, which it was in 1835; but the highways of the continent will be over Mexico. These highways will draw to them a by-trade of increased intercourse. They will inaugurate an enterprise in agriculture, commerce, and mining, which will make Mexico as much a useful dependency upon us as ever India was upon England.

What remains to be done to bring about a consummation so splendid on a theatre so magnificent? What remains to give us control from the Rio Grande to the gates of Panama? Already the Central American imbroglio is ended. Great Britain has restored the Bay Islands to Honduras. She has, informally at least, relinquished the Mosquito protectorate. Honduras and Nicaragua will then be independent of foreign intervention. New Granada opened her Congress on the last of February, 1860, and we may soon hear that the Cass-Herran treaty is confirmed. All that remains for us is to give practical annexation to Mexico, as we have to Canada, by our reciprocal free trade. Cuba gravitates every year nearer to this continent. With the Gulf ours, from Florida all around to Yucatan, the key must be ours. A practical solution by us of Mexican politics will not be unheeded by the people of Cuba, and will compel a mutuality in commerce and comity between them and our own country. Then we make the northern part of this whole continent ours by every tie of interest in the present, and ours in the fulness of time by closer bonds of political federation!

I propose to show that it is absolutely necessary for us to interfere in Mexico; demanded alike by national honor, by national interests, and self-protection. I will show that no interference can be effectual which does not look to the actual *pedis possessio* of the country by our troops. Either Mexico must roll back under the dark rule of brigandage, which creates anarchy for its own aggrandizement, or she must become Americanized with a recognized foreign ruling element in the country. It is either annihilation or resurrection under our auspices.

Take a glance at the condition of Mexico. If this glance does not suffice to arouse us from our apathy about Mexican affairs, we may as

well yield our predominance at once on this continent, confess that Europe is fitted to take care of this "New Atlantis," and that our schemes of commerce, progress, and empire are a failure and a delusion! In arriving at the condition of Mexico, it will be necessary to epitomize her eventful history. I propose to do this briefly under three epochs.

Mr. SHERMAN. I rise to a question of order. The only question before us, is the reference of the appropriation bill to one or the other committee. It is not in order to discuss the condition of Mexico in general.

Mr. COX. If the gentleman could know my speech from the beginning to the end, he would see that I intend to apply my remarks, in the end, to the question of reference. The peace of our frontier is essential to the treaty and our other relations with Mexico. I wish the matter referred to that committee which will give it the fullest examination.

Mr. BOYCE. I hope the gentleman will be allowed to go on with his most interesting and useful discussion.

Mr. MORRIS, of Pennsylvania. The condition of our frontier opens up all our interests in Mexico. I trust that the gentleman from Ohio may be permitted to proceed.

Mr. COX. The *first* epoch is from the Spanish invasion to the revolution against Spain, in 1824. Much may be pardoned to Mexico, when we remember the heritage of misery which Spain left to her. Making every allowance for exaggeration, there is no doubt that the Spaniards found at the discovery a remarkable civilization. Whether it belonged to an ancient race or not, it was there, with its polity, its religion, its comforts, and its wealth. The highest avarice of Cortes, his followers, and viceregal successors, was stimulated by its affluence. The same extraordinary efforts which were made to achieve its conquest, were employed in draining the country of its resources. In this all-absorbing avarice—an avarice which had no limit and knew no mercy, which was checked only by its glutted and bloated repletion—are to be found the seeds of that disease and disaster which now weaken, distract, and mutilate Mexico. The motto seems to have been: *¿ Nada es mala que gana la plata* —nothing is evil which gives us the silver. Under its sway, the most unprincipled set of robbers, cutthroats, and intriguers were warmed into life. This heritage of avarice has been enjoyed, too, by strangers. The very ministers, as well as merchants, from abroad, were seized by it. Their aim has been to watch for the advent of each successive power, only the more readily to make profitable transactions with the government of the day, and to provide for another chance with the government of to-morrow. As a consequence, the people, whose production furnished the means for this avarice, finally lost their patience. The Spanish grandees, the Gapuchins—less than one-fifth of the population—were the beneficiaries of these schemes. The Indian and mixed population was the source whence this barbarity, blood, sweat, and treasure were extracted. In 1810, the first revolt, under Hidalgo, took place. The cry was, "Death to the Gapuchins!" A war of races began; and out of it came the war of independence. This raged until 1821, when Iturbide assumed the imperial robes, only to impurple them more deeply in his own blood. The axe which cut off the head of Augustin I.—as

he was called—carved out the Federal Republic, with Vittoria as its first President, in 1825.

Under the *second* epoch, I will include all those vicissitudes of Mexican history until the formation of the new Constitution on the fifth of February, 1857, of which Juarez is now the constitutional President. During these thirty-two years, there can be traced in perpetual array two parties. They were the natural offspring of the old and the new order of things. The Central, despotic, or monarchical party, which has had the wealthier, foreign, talented, and non-producing classes in its midst, are on the one side. On the other, is the Federal, Constitutional, or democratic party, which has had the native, poorer, and producing population. The Centralists have favored a strong government at the capital, where most of them reside, and where most of the wealth and educated talent are located. The Constitutional party disavored all central influence as well as foreign; strove to distribute the central power among the States, and to clothe with franchises the local communities. This party looked less to the aggrandizement of the few, and more to the happiness of the many. But it has ever been under a cloud. The power of station, wealth, and education has been brought to bear upon the numbers; and the numbers have succumbed. The army, foreign diplomacy, and the revenue were at the call of the Centralists. They have aroused and used the prejudices of the people against the United States. They have agents now in Europe, as I can show, trying to dispose of the sovereignty of Mexico. They have just made a treaty with the Queen of Spain. The Constitutional party have welcomed our sympathy and rejected foreign influence. Santa Anna, a miser, a soldier, and a scoundrel, was and is the representative man of the Centralists. Juarez, an Indian, a gentleman, and a civilian, is to-day the representative man of the Constitutionallists. I do not mean to say that these party lines are distinctly traceable throughout these years of Mexican independence. To an "outsider," these parties are but the hubbub, the "bullanga," of conflicting and quarrelling soldiery. They are like certain rivers, which enjoy the light for a distance, and then disappear under ground, and again reappear, only to confound and vex the adventurer. But they are the same streams. A close analysis will educe their primary elements and detect their distinguishing characteristics.

It is a mistake to call this contest a war of religion and races. It is a contest of principles. Indians and whites are upon both sides, and all are Catholics. The Church has as much to fear from the exactions of its pretended defenders as from their opponents. The United States only has the system which can guarantee to the Church its vested rights, if they are endangered by either party. It is no war of races. The races are too much intermingled to war.

Of pure Europeans in Mexico, there are one-fifth.....	1,656,620
Of natives or indigenous races, four-fifteenths.....	2,208,824
Of mixed native and European.....	4,417,644

8,283,088

Of this number, at least nine-tenths are of the Constitutional party. The history of this era is but the placement and displacement of Presi-

dents—the march and countermarch of generals. A President who is absent from the capital is compelled to fight his way back to the palace; when once in the palace, he has no rest till he marches forth again against his enemies out of the city. The civilian has continually a sword in his hand and a foot in the stirrup. A junta meets in Puebla or Ayutla; and lo! a new Constitution and a new Executive! One day it is “*Muera el General!*” the next, if he is not killed, it is “*Viva el General!*”. These vicissitudes have continued for more than a quarter of a century—nay, for half a century, from the first struggle in 1809—with not five consecutive years of repose. The fields of Mexico have been fertilized with the blood, bone, and muscle of her children. Intestine feuds, more infuriate than foreign invasions, have disturbed her prosperity and broken her hopes. During this period, she was twice attacked by Spain, once by France, and once conquered by the United States. Yet, with her marauding Indians, her thieving leperos, her internal feuds, and her foreign invasions, her energy has been wonderfully recuperative, and her resources seem inexhaustibly bountiful. What might she not become, under a liberal protection given to her industry, her commerce, and her property!

Our third epoch opens on the 5th of February, 1857, when, at an extraordinary Congress, called for that purpose—and *nemine contradicente*—the present Constitution was adopted. Comonfort became its Executive. His policy, which was that of a trimmer between the two parties, led to his vacating the post on the 11th of January, 1858. By the seventy-ninth article of the Constitution, the President of the Supreme Court of Justice became the President of the Republic. Benito Juarez then held the Presidency of the Supreme Bench, and became *de jure* chief executive of the nation. Before Juarez could assume his functions at the capital, Felix Zuloaga, under the “plan of Tacubaya,” proclaimed by a body of soldiers, who had the venality without the dignity of the Roman prætorians, usurped the office of President. Force drove Juarez from State to State, until he found himself compelled to fly for his life around the isthmus of Panama to Vera Cruz, where he now administers his office with a cabinet of unsurpassed intelligence and patriotism. He demanded the allegiance of the various States, and he received it from all, except a few in the valley and neighborhood of Mexico. I shall show that he still retains that allegiance, and that, notwithstanding all the changes of the contest since the summer of 1858, he is President in fact as well as in form. In November, 1858, Zuloaga was deposed by the same power which had set him up—a usurpation aided by mercenary troops, merchants, and ministers. One of the generals, Miguel Miramon, young, impetuous, successful, and more pliant to the purposes of the masters of the capital, supersedes Robles, who had for two days usurped the usurping Zuloaga’s power. For the past year these parties have not changed their relative strength a great deal, either with respect to the various States or their military occupation. We have bulletin after bulletin announcing the Liberals defeated here, the Centralists there. Miramon defeats Degollado at Queretaro, but he loses, as he leaves this and that city behind him, in his forward march. When Miramon leaves Mexico to threaten Vera Cruz, half a dozen generals move toward Mexico to threaten it. I said, a year ago, that Juarez had a majority of the States and nine-tenths

of the people. He had more, and he has retained all that he had. Let me try and give a clear picture of this Mexican "situation" by figures and facts, corrected by close observation. From it, will be seen that Miramon is confined mainly to three central States—Queretaro, Puebla, and Mexico—with a temporary and violent occupation of a few places outside. All the coast and frontier, with the custom-houses and ports, are held by Juarez. From these are the revenues. There are eight of these custom-houses on the Gulf, five on the Pacific, and eight on the frontier. No merchandise, silver, or bullion can enter or depart from the country, unless by smuggling, or by consent of the Juarez Government. Miramon is hemmed into a small area, and is supported, willingly, but by a very inconsiderable population. Let me present the condition of things, as they now are, in a tabular form:

States.	Population.		Square Leagues.		States.	Population.		Square Leagues.	
	Miramon.	Juarez.	Miramon.	Juarez.		Miramon.	Juarez.	Miramon.	Juarez.
Aguascalientes.	....	90,000	....	881	Sinaloa.....	....	160,000	....	4,690
Coahuila....	....	70,000	....	7,947	Sonora.....	....	140,000	....	139
Chiapas....	....	180,000	....	2,598	Tabasco.....	....	70,000	....	17,940
Chihuahua....	....	160,000	....	11,611	Tamaulipas....	....	100,000	....	4,319
Durango.....	....	140,600	....	6,744	Vera Cruz....	....	890,000	....	4,801
Guanajuato....	890,000	....	1,545	....	Yucatan.....	....	450,000	....	4,801
Guerrero.....	....	270,000	....	4,451	Zacatecas....	....	820,000	....	3,832
Jalisco.....	820,000	....	8,824	....	La California..	....	12,000	....	276
Mexico.....	1,520,000	....	8,371	....	Colima.....	....	70,000	....	607
Michoacan....	....	600,000	....	8,458	Isla de Carmen.	....	12,000	....	3,487
Nuevo Leon....	....	150,000	....	4,316	Sierra Gorda..	....	50,000	....	1,748
Oajaca.....	....	550,000	....	8,288	Tehuantepec....	....	90,000	....	364
Puebla.....	680,000	....	1,788	....	Tlaxcala.....	....	100,000	....	438
Queretaro....	170,000	....	869	....					
San Luis Potosi	....	400,000	....	8,914					
						3,990,000	4,564,000	15,743	99,300

It will be seen that I have given Miramon five States of small area, but of comparatively dense population. I have given Miramon Guanajuato and Jalisco, because he holds their capitals, now threatened by his enemies. I have given Miramon Puebla and Queretaro, although Juarez holds some of the towns in each. It would be fair (especially as even one town of Mexico, Toluca, is held by Juarez, and as some towns in Vera Cruz are held by Miramon, and as he is beleaguering its capital by his forces) to divide these first four States between the parties. This would leave in the hands of Juarez, States having 5,235,000 population, and 104,435 square leagues; against Miramon, 2,705,000 population, and 10,507 square leagues; leaving 2,530,000 population and 93,928 square leagues in favor of Juarez, on a fair computation. But this geographical and popular element in his favor is utterly useless for government in a country where rapine is the rule and order the exception, unless Juarez is aided by extraneous force and means. I am assured of the fact that he is able to hold his own, including Vera Cruz; while Miramon, since he has left the capital, holds it, if at all now, by a precarious tenure.

We are apt to draw our analogies from France, and argue that as Paris is held, so is France; that the revolution of the capital is that of the empire. But the analogy does not hold. France is a centralized Power; Mexico is a federative Government. Our own nation will serve as a better illustration. It would hardly follow that a usurper holding

Washington City and parts of Maryland and Virginia and Delaware, with no seaports, no custom-houses, no revenues, nothing but the regular soldiers of the District, could be called the Government *de facto*, while all the rest of the country preserved the form, spirit, and functions of the Federal Government at Cincinnati or New Orleans. Nor would the recognition of such a Government, by France or England, make it, *de facto*, the Government. In Mexico, France and England have hitherto held the Central junta to be the Government *de facto*. England, however, is about to withdraw such recognition, inasmuch as she has found it utterly irresponsible, cruel, rapacious, tyrannical, and barbarous toward her own citizens, even as it had been toward American citizens. During this epoch, Mexico has had thirty-five Governments, and seventy-two Executives. Only two of her Executives have ever served a full term—Vittoria, her first President, and Herrera, at the close of our war with Mexico. But these happy exceptions can hardly be called such, when we remember their perils and troubles, their antagonists with pronunciamentos, and their wars to put down insurgents.

But it may be asked, "If the Juarez Government is so strong in the area of territory, population, sea-coast, and frontier, why does it not vindicate its superiority by taking the capital and stopping these depredations on foreign and domestic interests, lives, and liberty?" This question deserves a fair answer. One answer is, that the minority are richer than the majority. It can buy the prætorians. The spurious Government is enabled to raise money, because it has intrigued with the French Minister, Gabriac, and with the former English Minister, Otway, who were the tools of speculators and bankers. Consequently avarice and greed have beaten patriotism and honesty. The national securities of Juarez go ungauranteed into the market, and bring only a nominal per cent.; while the Central securities, guaranteed by foreign conventions, enable that faction to borrow at a fair per cent. Thus have the Centralists kept up their army, corrupted leaders and generals, and swept over the land, leaving behind them nothing but insecurity, anarchy, and devastation. What towns or cities they hold is by force and fear, not fealty and respect. With all these advantages to the central government, the nation is not with them. The Constitutional party have been defeated at several important points, it is true; in April last, before the city of Mexico, and in November last, near Queretaro. But they now hold all of the northern half of Mexico, and more than half of the southern portion. They have made themselves masters of the entire Pacific coast, including San Blas, which Miramon held for a while. They have successfully resisted Miramon's attack on Vera Cruz; and will resist successfully his present attack, if they do not also wrest the capital from him, while he is attempting to take Vera Cruz. This rightful Government will maintain itself in the field, as it can in the forum of the *lex gentium*, against the incivism and outrages of its opponents. Which Government is the one for our recognition and support? That is easily determined from what I have said. Mr. McLane, in April last, thus determined. He has given it a practical solution by the treaty now before the Senate. The present administration displays a wise, cautious, and just statesmanship, in urging the ratification of the treaty. It has been

made with great care and anxiety. The President is reported to have said that the salvation of Mexico depends upon its ratification. I believe it, with all the earnestness of studious conviction. That treaty concedes to us a safe transit and right of way across Mexico on three lines; one across the Isthmus of Tehuantepec, and the other two from our boundary to Guaymas and Mazatlan. It authorizes us to lend the naval and military forces of this Government to the constitutional authorities, at their expense, in order to execute the treaty. Thus we are, in the language of international law, "*souverains par indivis*" with the Juarez Government, and with power to execute the right. This power, if executed, will end these convulsions of Mexico. By a territorial abnegation, Mexico has given us a foothold upon her soil which cannot be used but for her peace, development, and prosperity.

If this House will but observe the articles placed upon the free list by the treaty, they will perceive the ample scope of intercourse which it offers to every part of our country. The Ohio farmer will feel it in the enhanced price of his provisions, as well as the planter of cotton on the Gulf, whose great staple will find a larger market. The iron interest of the Middle States, and the manufacturing interest of New England, are alike the recipients of its results. We may regain the trade with Mexico which we had from 1830 to 1840, when \$46,000,000 were exported thither, against only \$18,000,000 from 1840 to 1850! We will do more. Since then, we have carved out an empire on the Pacific; and the far Orient of China and Japan has given us treaties of interchange. Our commerce from Mexico, being unburdened with transit duties, will go north to our possessions on the Pacific, south along the South American coast, and westward to this Orient—the golden Cathay of Columbus—where our enterprise can play upon every key of traffic and touch upon every spring of intercourse. Thus will be returned to Mexico, through our agency, that affluent commerce which, in her early colonial day, made Acapulco the Venice of the New World, and the stately galleons of Cadiz an armada which was the pride of an empire and the envy of the world! That treaty to which I refer will be the respite, or rather the life warrant to Mexico. I trust it may be confirmed by the Senate, as it is by the good sense of the country. I am ready, as one of the Representatives of the people, to vote the \$4,000,000 required to give us the foothold at the railroad oceanic termini. I look upon that foothold as not only preventive of all European interference, but, if you please, as the thin end of an entering wedge into Mexico. It is the herald to a circuit of empire all around the Gulf by a steam marine; and to a coronation of new States to this Federation, whose wealth and brilliancy will far outshine the gold of California and the silver leads of Washoe!

It was urged as an objection against the acquisition of Texas that the commercial emporium of the New World would be transferred from New York to New Orleans. How ill-founded were these fears! The freedom and expansion of our commerce and the acquisition of territory, have only magnified and glorified New York; and a similar enlargement would have the same result to-day. New York is the nation's commercial centre and heart; and any thing that affects her, affects the minutest nerve at the extremity of the Republic. If adversity visit the South or North,

East or West, New York feels it. The present treaty would add another element to its wealth, power, and greatness.

Two millions of the four are to be in trust for the satisfaction of the claims of our citizens against Mexico. These claims can never be adjusted, much less paid, under either of the Mexican Governments, unless Mexico parts with some valuable interests, by which she can raise what ought to be paid to our citizens.

It is a shame upon the American name among the Spanish republics, that our citizens are utterly remediless for all their wrongs, suffered at the hands of these weak and irresponsible powers. Especially in Mexico have we causes of complaint for outrages the most atrocious and butcheries the most bloody and treacherous. In drawing the picture of this mutilated Republic before an American Congress, the part reserved for the American citizen in Mexico requires the largest place and the darkest shadows. These outrages are partly owing to the false and prejudicial statements everywhere circulated against our name, since the Mexican war, by the Monarchical party. Since the McLane treaty, these stories have received the rarest touches of Mexican braggadocio. As a consequence, the wildest denunciations of American citizens are indulged in; so that no respect is shown, or protection given by any class, even to the official representatives of our country, where the Miramon Government predominates. Not even where the Juarez Government holds sway is there that safety and protection to our interests demanded by international law. One year ago I was compelled by the facts to picture Mexico as debilitated, helpless, bleeding, dying—as a land of rapacity, crime, chaos, craft, license, and brutality; indolence only active to wrong and industry quickened only to vice; laws made for their infraction, and order established to be contemned. Mountain then cried unto valley for relief, and from hacienda to city went up the wail of despair. This was unhappy Mexico, in whose fate no nation can ever have the interest we have, till such nation conquer us. I was compelled then to ask the question, *Who shall intervene?* And now, with more earnest emphasis, I ask again: If we do not, *who will intervene?*

Since then, this picture has received fresh tints of gloom and more bloody hues of horror. It should be painted by a Rembrandt in chiaroscuro. Let me hold it to the light, if it is not too appalling! Villages deserted; citizens in terror and dismay; farms in ruin; the arriero no longer drives his loaded mule; the vaquero finds no field safe enough for his lazy life, amid his herds and flocks; families in mourning, orphanage, and misery; gibbets erected at each cross-road; death-crosses lining the highways; a torrent of blood flowing from cowardly assassination; prisons choked with their rotting victims; the leperos prowling for human prey; guerrillas scouring the country; and the ruins thereof only hidden by the rank weeds and luxuriant parasites which the rich land has produced as a garment to cover the shame, confusion, neglect, spoliation, and decay. Another year, and the skeleton Famine will stalk through this land. Since last year, the semblance of respect to American and foreign residents has been thrown off. The thin guise and specious pretext are no longer exhibited, as the apology for crime, rapacity, and wrong. Do you want instances? Read the cruel murder of



Chase, to which the President refers. What enormity can equal it in diabolical craft and cruelty? Go to Tacubaya, with that blood-spotted Marquez—the Nena Sahib of Mexico—as its butcher! From that scene of cowardice and carnage, if from no other, rises the cry of vengeance against the bloodhounds who tore from the sick couch of the hospital the humane American and English physicians, and, amid horrible execrations, which made hell laugh, took the lives which were dedicated to the sublime and Christ-like duties of healing and kindliness. A brilliant young surgeon from my own district—a son of my Democratic predecessor, Dr. Olds—was one of the victims of that Mexican butchery, from which no employment, however benignant, could exempt the American citizen. “Were I a Mexican, as I am an American,” I would, as the first act of returning justice and order, make inquisition for blood at the hands of these butchers of Tacubaya. Degollado, by his orders of the 17th of April, recited these cold-blooded and merciless assassinations, and declared that all officers of the enemy, taken in arms, should be executed immediately. This is a bloody index to the character of the war. The superintendent of that massacre, Daza y Arguelles, happily for even Mexican humanity, was taken prisoner by Carvajal, in December last, was shot, and his disfigured body hung up for the hootings of even a Mexican rabble.

Lately, in the palace of Miramon, Marquez, while there as a guest, had the brutality to strike down the old French lady, Madame Gourges, for enacting the part of Florence Nightingale at this massacre. This same Marquez has since been imprisoned, by the jealousy of Miramon, along with hundreds of others, but better men, who are now dying in the prisons of Mexico, or working in its *presidio* with ball and chain. It is to be hoped that Marquez will meet with his reward.

Go to Zacatecas, where the central chief, Gen. Woll, has been imitating Coronada and Rojos at Tepic, by filching all the money he could from foreign merchants, and inflicting all the horrors he could upon the English and American victims! After imposing all sorts of new taxes and making the merchants, repay to him all the duties and taxes of the preceding thirteen months, he resorted to imprisonment and death as the means of enforcing his detestable avarice. He even threatened the British consul, for not complying with his demands. This same General Woll sends the *conducta* to the Pacific coast from Zacatecas. It has in its care some four million dollars, the hard earnings of English and American residents. It pays the duty on its departure; it reaches Guadalajara; there Marquez robs it of \$600,000, and justifies this grand larceny by the necessity of his situation and his services to the cause of good government. Meanwhile the other brigand, Miramon, decrees another forced loan—one per cent. more upon capitals, “*por una sola vez*”—only for this once, to lull the foreigner and tax-payer into the belief, that this is the last one of six compulsory loans since the third epoch began! Englishmen, Americans, and other foreigners are forced to pay the expenses of the very system of extortion by which they are crucified between these thieves of Mexico. Take the best view of this anomalous condition of the two governments, which even confounded Lord John Russell. Juarez collects the customs duties at Vera Cruz, which Miramon pledges to foreign nations. The ex-

port duty on the staple product, silver, is collected by Miramon in the interior, and re-collected by Juarez on the coast. Neither government has the means to support itself without either spoliation or extraordinary exactions, or by the barter of valuable rights and interests.

Would that I could catalogue the crimes of this cursed cabal at the capital! But where begin? Where end? Shall I begin with the murder of poor Crabbe and his companions? Or of Ormond Chase, by Marquez? Or of the American officer taken prisoner with Alvarez, at Queretaro? Or the imprisonment and assassination of political offenders, by Corona, at Zacatecas, Cordova, Jalapa, and Orizaba? How can I rehearse the robberies so common all over this doomed land? The violation of flags of truce; the destruction of haciendas; the Indians flying before these rapacious soldiers like a herd of mustangs? Or of Bombastes Cortinas, who derisively and defiantly steals the United States mails, and hangs them, with the riddled bodies of Americans, on the trees near his fort above Brownsville; plays both judge and jury on American citizens, within eight miles of Fort Brown, where he lately made his ranch the nest of his robbers and their plunder?

These are but isolated acts, involving, it is true, loss of life, liberty, and property, by Americans. But there are more important transactions, showing an overruling necessity for our prompt interference. Let me give you one. Juarez holds Vera Cruz, and receives the revenues. His government is not recognized by France; but the French minister, Gabriac, by threatening Vera Cruz with French guns, compelled Juarez to pay off the French debt of \$1,000,000. Recently we hear that an addition of \$460,000 of this old paid-off French-convention debt is to be enforced against the revenues of the Vera Cruz government. This addition is the result of Gabriac's reclamation for French moneys, stolen from the conducta by this same robber government at the capital, which Gabriac smiles upon. Gabriac and his bankers are to get their per cent., if he can only use the French fleet at Vera Cruz, while Miramon beleaguers it by land. If by French aid Miramon takes Vera Cruz, what then becomes of our American interests and citizens there? Is it Tacubaya over again? Forced loans, pillage, rapine, and murder?

Already since Miramon began his march toward Vera Cruz, before he had reached the *tierras calientes*, the Constitutional bands were prowling through the central States, making reprisals upon the property of wealthy Spaniards and upon the conducta under the protection of Miramon's government. Already the same scenes of a year ago, when Miramon threatened Vera Cruz, are again transpiring. Our Rio Grande frontier is desolated with fire and sword from Tamaulipas to Chihuahua. Texas, through Governor Houston, is asking the President for Federal aid to protect our citizens. He is eager to give peace to the frontier, and, by a practical protectorate, some repose and security to northern Mexico. Only last month, Chihuahua was overrun by one of Miramon's generals, Cosen, with a band of pardoned felons. The grossest outrages on women and men were perpetrated. The Americans were driven out, and were compelled to leave a million dollars' worth of property at the mercy of the robbers. They sent in vain to Fort Smith for our troops. Their authorities joined in the request for our intervention, but in vain. Cosen, with a thousand

cutthroats, is marching toward its capital. You can picture the pillage which will result! These are facts just brought to us by Mr. McMannus, of my own State, who was compelled to leave his home and interests in Mexico. And now, if Vera Cruz too is to be endangered, who is there that will not hail the star-spangled banner flying from the battlements of San Juan de Ulloa, as a triumphant emblem of the victory of commerce and civilization over craft and barbarism?

Recently I have seen that the Miramon Government, in their stress, have put into the market a new batch of bonds. Mexico is to be saddled by this Government with \$15,000,000 more of debt, which, added to the \$80,000,000 created in July last by Miramon's scheme, will make \$95,000,000 of paper debt foisted on beggared Mexico in five months. Besides this, there are millions of contracts and reclamations unsecured, arising out of spoliations of foreigners. To these is to be added the debt of Mexico, foreign and domestic, ascertained in April, 1857, to be \$96,801,275, of which \$63,382,105 is secured by a certain percentage on the revenues of Mexico, to the English and other bondholders. Then add the millions on millions of ruin heaped on this country by these ambitious and rapacious chiefs, not alone for arms and equipments, but in the losses to labor and in the idleness consequent upon insecurity and violence. Put these all together, and see the rent land struggling and writhing and wringing its hands in wailing and woe, and you have the poorest of national Samaritans, whom to go over and relieve is the highest duty of a Christian nation.

If our Government fail in its duty now, one thing will happen, and that is, the sudden apparition of Houston, with ten thousand Texans, in northern Mexico. Such movements are as irrepressible as fate. They may even be less responsible and more reckless than Houston's project. I know that such movements are now in process of organization. They may have a peaceful appearance. They are led by the "Knights of the Golden Circle," whose mystic "K. G. C." has the magic of King Arthur's horn, which could not only call his thousand liegemen at the blast, but before whose blast the enemy fell down. Proposals have been made to Juarez by these adventurous spirits, and among the rest by General Reneau & Co., to place him in the capital and loan him \$500,000, in consideration of the public lands to be granted in the States of Tamaulipas, New Leon, Zacatecas, Coahuila, Durango, Chihuahua, Sinaloa, Michoacan, Guerrero, and Oajaca. This tender includes a further consideration in the form of surveying and platting for certain other public lands. The gentlemen in the country connected with these movements are men of military tact and approved courage. They profess to obey our neutrality laws; they will not infract them; but if they go into Mexico they will go as emigrants, on invitation, and carry the appliances of art, manufacture, and agriculture. [Laughter.] Of course, they cannot go unarmed to such a country! They may reverse the millennium, and beat their ploughshares into revolvers and their pruning-hooks into bowie knives. [Laughter.] Unless we give to Juarez that aid which the treaty provides, he cannot be blamed if he accept the offer of three thousand emigrants for each of the ten States, in consideration of the public lands of those States. It will be the *ultima ratio* with his Government. He will be driven, by

our non-action, into the arms of the unregulated enterprise of this country. Can we lie supine while these transactions are transpiring? Can we see these martial elements, which are never wanting where adventure leads the way, combining for this purpose, without some action? Better far, if they move under the stipulations of the pending treaty. But if this be rejected, better that the Government should order the regular army to this post of delicate duty, than that men should go out, even under invitation, in irregular and adventurous bands, without responsibility. But if we fail to do our duty, we cannot reproach either Juarez or our own citizens. He will act on the old Spanish maxim applied to the native Mexican laborers: "*Mal con ellos; peor sin ellos*"—bad with, worse without them.

Can we see external disaster and internal oppression fall upon this ill-starred sister Republic, and have we no protest to make, no protection to give? France can throw her marine into the gulf of Venice, land her troops at Genoa, dash with her armies down the sides of Mont Cenis to aid Sardinia and rescue Lombardy. Half a million men are ready to cross bayonets at Solferino, in this cause of Italy; but our nation—equally martial if organized, equally sympathetic with the right, and having more interest in Mexico by far than France can ever have in Italy—must lie upon its back, and wait and wait for Providence to press between its lips the fruits of our advancing civilization. When we fail to move, that moment our destiny is closed. When we fail to meet the demands of our continental situation, and seize every rising opportunity of expansion, that moment of halt is the moment of retrogression; retrogression is decay; and decay is death. Show me the code in the law of nations which would estop such an outgoing of national sympathy and succor. Has the common conscience ceased to be a source of international law? Are the customs of civilized nations no criterion for such enlightened action? Consult your publicists! They will tell you that Mexico, *if a nation*, is independent and equal to any other nation, and the judge of her own actions. Very true. If she make an ill use of her position, she may be guilty of a breach of duty, but other nations cannot dictate, and must acquiesce in her conduct. True, again. Vattel rightly condemns Spain for executing a Peruvian Inca under Spanish laws, because he had oppressed and killed his own subjects. But at the threshold of this discussion the inquirer might well ask, "Is Mexico a nation now, in the meaning of international law?" Is Mexico "a body-politic, or a society of men, united together for the purpose of promoting their mutual safety and advantage by their combined strength?" If that constitute a State, her condition is a caricature on nationality. Has she the capacity to preserve herself from insult and oppression, either internal or external? If not, how can she perform her obligations to foreign residents and nations? Will the law of nations, founded on the enlightened sense of mankind, permit such a government, and *à fortiori* two governments contending for supremacy, to outrage that justice which is the basis of society and the bond of all intercourse? Vattel, in his fifth chapter, section seventy, establishes the relation of such a State with foreign nations. Its appositeness to Mexico is plain and emphatic. He says:

"If there were a people who despised and violated the rights of others whenever they found an opportunity, the interest of human society would authorize all the other nations to form a confederacy in order to humble and chastise the delinquents. We do not here forget the maxims established in our preliminaries, that it does not belong to nations to usurp the power of being judges of each other. In particular cases, where there is room for the smallest doubt, it ought to be supposed that each of the parties may have some right, and the injustice of the party that has committed the injury may proceed from error, and not from a general contempt of justice. But when, by her constant maxims, and by the whole tenor of her conduct, a nation evidently proves herself to be actuated by a mischievous disposition, if she regards no right as sacred, *the safety of the human race requires that she should be repressed*. To form and support an unjust pretension is only doing an injury to the party whose interests are affected by that pretension; but to despise justice in general is doing an injury to all nations."

If the Juarez government invite our coöperation, and we intervene, the right to accede to the request is perfectly clear. (Phillimore on International Law, vol. i., p. 443.) The treaty does invite us, in most unmistakable terms. But if the treaty fail, dare we promulge the doctrine of intervention, irrespective of invitation? To the curious on this point I refer to the able treatise above cited, where the whole doctrine of intervention is considered, in the first chapter of the fourth part of the first volume. Among the causes given, where intervention is justifiable, pertinent to Mexico, are the following: where the peace and safety of the intervening State are endangered; where parties to a civil war invite; where citizens of another State require protection; where intervention will stay the effusion of blood caused by a protracted civil war. The able jurist is reluctant to establish the last instance, as a substantiative and solitary, but only as an accessory justification of intervention. The partition of Poland stands as a spectre in his way; and he starts back in affright at the abuses which so destructive a principle has fixed on mankind. But he finds in the case of Greece, in 1827, a justifiable intervention. He displays the long-continued and horrible massacres and anarchy of Greece, as reasons "which alone, if ever such reasons could, justify the interference of Christendom." The case of Mexico, however, is not to be determined by that elastic law of nations, which has proved so convenient an instrument for the oppression of mankind. In America we have a chapter of our own, written by James Monroe, and fixed as the continental policy of this hemisphere. No international law which omits this chapter, can have application to us or to our own relations with Mexico. But even the maxims of the Old World are warrant enough, if applied with discrimination, for our prompt intervention by actual possession in Mexico.

Some there are ever ready to oppose every thing which looks even distantly to the aggrandizement and extension of our Republic. I belong to that party which Choate described as having a "gay and festive defiance of foreign dictation;" a party which does not go abroad for its rules of conduct. But if there are such who fear our advancement, to such the authority of foreign journals may be more impressive than our own rights and duties. To such, therefore, I quote the London Times, the thinking head of the English nation. It says:

"The English residents who have cast their lot with the inhabitants, and the traders who have invested money in enterprises of the country, are in the same position as the Mexicans themselves. How can we or any one interfere but by taking possession of the

country? Of whom are we to demand an explanation? The chief of the Republic to-day may be a fugitive in a week, while his rival steps into power and wreaks vengeance on all the late officials. Suppose we ask for satisfaction, who is to give it? The outrage may have been committed by the other party, or by some independent ruffian hundreds of miles off, or there may be no police to prevent a repetition of the act, and no money to compensate it. In fact, where there is no settled government, the ordinary international remedies fail."

The London Times, in another article, used the following significant language:

"Mexico has now arrived at a point at which any convulsion may improve the prospect of her foreign creditors. In the present state of things they can have no hope, and their great dread, therefore, must be lest it should be perpetuated. If some new military dictator were to arise, or the country were to be absorbed, without more delay, by the United States, their treatment could not be worse, and it might, especially in the latter case, be much better." \* \* \* "Let the United States, when they are finally prepared for it, enjoy all the advantages and responsibility of ownership, and our merchants at Liverpool and elsewhere will be quite content with the trade that may spring out of it."

Since then, Mr. Matthews, the English Minister, has been compelled to protest against the government at the capital of Mexico, and he now threatens to leave it to its fate. There is only one remedy, it seems, for Great Britain and her citizens; possession of the country! She is willing that we shall do that office. Mr. Whitehead, the agent of the English bondholders, in a letter of the 26th of September, 1859, could see "no pacification, except by the intervention of some powerful nation;" and he said further, that "the opinion prevails very generally, among the more sensible part of the Mexicans themselves, who, without desiring annexation, would be glad to see something of an armed intervention on the part of the United States." He more than hints that it is the policy of England to promote it. Lord John Russell, the head of the Foreign Office, in his letter of the 16th December, 1859, to the Rothschilds, seems to be hovering near that idea. He says: "A civil war rages in Mexico between two parties, who, only intent on destroying their adversaries, have very little respect for the rules of justice or the safety of property." "Our Government has endeavored in vain to mediate, by the aid of other powers, to bring about a termination of the present devastating and sanguinary war."

As we could permit no European nation to take possession of Mexico without dishonor, so we are bound to pursue this policy by a rule far more authoritative than any international law. Our code is the law of necessity. It is the same law by which we ought to save our neighbor's house, when its burning would imperil our safety and destroy our peace. If we do not do it, what objection can we make if England or France attempt it? We must anticipate the else inevitable interference of these powers on this continent. If we do not interfere now, there will be nothing to save but a desolated land, a demoralized citizenry, an empty exchequer, a mortgaged revenue, a banditti of factious States, and a government only federative in a league with death, murder, and spoliation.

There is yet something to be saved in Mexico. If we act promptly, we become partners in her resources. What are these resources? What are, and what should be, our relations toward them? Mexico has now \$26 000,000 of foreign imports, and \$28,000,000 of exports; making an

interchange of \$54,000,000. Of this, England has \$33,400,000 ; the United States only \$8,700,000. England thus monopolizes more than one-half of this commerce. She has had special permits to import at a reduction of twenty-five to fifty per cent. on duties. She is twenty days distant by steam ; while on the Pacific and on the Gulf we are at the very doors of Mexico. Of the \$8,700,000 of our commerce with Mexico, our exports for the year ending September 30, 1858, were but \$3,315,825, being \$2,000,000 less than our imports from Mexico. The above fifty-odd millions does not include, of course, the immense contraband trade, which, if fairly estimated, would run Mexican commerce up to \$100,000,000. Thirty millions of this is silver, which mostly goes to England. If the produce of our country—the provisions and flour of the great West, the varied manufactures of the North in wood and iron, which are finding markets in the West Indies, the shipping of the Gulf and the Pacific, with six thousand miles of Mexican sea-coast, and the mining enterprise of our citizens, had a full range under a good government, with this reciprocal free trade, under this well-conceived treaty, what a tide of prosperity would flow between us and Mexico ! The princely city of London votes Lord Elgin its hospitalities, because he quadrupled the trade between us and Canada by the reciprocity treaty. He boasted, in his response to the gratulations of the merchant kings, that his Chinese treaty, if carried out, would open to English enterprise a trade with four hundred million people ! Yet, at our doors, we neglect the rarest chances of commercial enlargement. There is not a product between our Mexican boundary and Panama which is not wanted by us. There is not a product of our skill and industry that will not find a market in that country. May I not be pardoned for illustrating this view from my own State of Ohio ? Its statistician, Mr. Mansfield, in his report of 1859, estimates our grain product at an average of one hundred and twelve million eight hundred and eighty-three thousand eight hundred and seventy bushels. Where is the State in the world which can equal this in these elements of life ? New York has but seventy-six million six hundred and thirty-nine thousand nine hundred and ten bushels, fewer acres in cultivation, and a less average to the acre. France, with her nicety of cultivation, has but an average of thirteen and a half bushels to the acre, while Ohio has twenty-two and a half. Galicia even falls behind this model State of the Mississippi valley, where more people can live well than in any other land on the earth. The value of Ohio live-stock ranges over seventy million dollars, from which are made our smoked and salted meats. These would be duty-free under this treaty. Has Ohio no surplus for exportation ? no interest in an extended market ? If I summoned each Representative to lay before us the speciality of his State for which free trade is offered in this treaty, what a museum of national exchanges would we not show, to pour into the great current of trade which would follow its ratification ! What can Mexico give us in return ? Is it coffee and sugar ? Their consumption with us is now almost as general as that of bread. Colima and the other Pacific States offer their rich coffee and sugar lands, unequalled by Cuba, and surpassing Louisiana or Texas. The present supply is inadequate to our demand. We pay too much for both. So with cocoa, cochineal, and the finer quali-

ties of tobacco. So, too, with the tropical fruits. Our iron, in all its shapes of usefulness, would have a fine chance in a country where, at times, it has been of equal value with the precious metals, and where, even yet, wooden ploughs perform the office in agriculture which we are beginning to perform with iron and steam. And yet you can buy to-day in New Orleans thirty thousand Ohio and Pennsylvania ploughs at thirty-six dollars per dozen! If we could have settled relations with Mexico, and if Mexico herself could be tranquillized, I doubt not that \$50,000,000 of silver per annum could be produced. Four-fifths of this would come to us. Our mining interests now give us \$120,000,000, with only twenty thousand persons employed. Think of such an enterprise applied to the silver mines of Mexico! We need the silver to purify our specie currency of its adulterated silver coin. We have the quicksilver now in our midst to aid this production. We must change, by some new enterprise, the ratio between the production of gold and silver. The leads of the eastern slope of the Rocky Mountains have already made that lonely land the seat of thriving towns and remunerative industry. That beautiful plateau, those affluent gulches, those seams of gold-bearing quartz, whose amazing extent and richness are described in memorials on our table, as lands which have never been equalled or even approached at any period, on the face of the earth, for their miraculous wealth—those rivers, whose sand is silver, and whose pebbles gold—are not merely stimuli to our enterprise, but they indicate, by their topographical and geological laws, and by their position as a part of the great range from Chili to Frazer's River, that they are the approach, the vestibule of that immense temple, whose sunless architecture has its endless colonnade and mystic chambers beneath our continental sierras! From these sources Spain shone resplendent for centuries, and only and deservedly lost them because she lavished them on a corrupt royalty and to glut a base avarice.

In Mexico alone, where these resources were only "scratched" by the rude science of the time, from the conquest (by official data furnished by the Ministerio de Fomento), we find a coinage of \$2,636,745,951, figures under which the mind reels in its romance after the wonders of wealth! Of this amount, \$2,584,115,679 were of silver alone! The gold amounted to \$96,892,142. What a fruitage from these sterile mountains! What apples of gold in pictures of silver! No Yankee Aladdin ever had dreams to rival this arithmetic of ready and coined cash! Quite a lot of loose change to chink in the pantaloons of Young America! [Laughter.] And yet this land of sterile sierras, with their untold coffers of wealth, has no parallel for the salubrity of its climate, the richness of its soil, and the balmy beauty and soft influences of its sky. Mexico has her Tierras Calientes, her Tierras Frias; but above all, her Tierras Templadas, which combine the virtues of all soils and the beauties of all heavens. Homer had poetic glimpses of such a land, when he thus depicted it:

"Stern winter smiles on that auspicious clime,  
The fields are florid with unfading prime;  
From the bleak pole no winds inclement blow,  
Mould the round hail, or flake the fleecy snow;  
But from the breezy deep the blest inhale  
The fragrant murmurs of the western gale."



But alas! civil discord is the serpent of this paradise. Anarchy, like the orange, is here in perpetual fruit and bloom. The murdered corpse is found beneath the palm and the cocoa. Here every prospect pleases, and only man is vile. If it be true that the weaker and disorganized nations must be absorbed and controlled by the strong and organized nations, and that nationalities of inferior grade must succumb and surrender to those of a superior civilization and polity, then there is no power short of the Almighty which can in time prevent the absorption, aggrandizement, and elevation of this rich and lovely land by its union with these States of confederated and constitutional freedom. Give the United States, with its steam-engine, its unrest, its self-government, and its energy, the protective control of these regions, and do you doubt that we would outstrip England in commerce? The commodities for interchange are ready. What we want is settled relations with Mexico. We want a steam communication on the Gulf, which will be, as has been proved by England in her relations with Spanish America, and by us in our relations with Cuba, the open sesame to the riches of this heaven-favored and man-cursed country. We expend our money in opening Japan and China to the world; we send ships and embassies, and cultivate the humanities and amenities of the age, in persuading, astonishing, and interlocking in mutual interest the lands of the far Orient; but at our very threshold we miss our golden opportunities. In the absence of a well-defined intercontinental policy, such as is proposed in the treaty and message, our interests have suffered not less than \$30,000,000 per annum. For ten years we have been struggling for a safe and quick transit to the Pacific in vain. Capital has been loath to venture, for the reason that no adequate protection has been given in its use. Emigration has been meagre and uncertain, because there was no stimulus to labor and no certainty of its results.

I have thus shown the condition of Mexico. I have given the reasons why some intervention should be had. There is no reason in the interest of economy and commerce, as indemnity for past wrong and security for future immunity; in the interest of humanity and civilization; in the code international or the forum of conscience; in the decrees of Divine Providence, as He works with man in the order and happiness of His creatures, which does not appeal to us for intervention in Mexico.

I proceed to notice some of the objections against the policy enunciated.

1. Is it objected that our intervention, under the fifth and sixth of the conventional articles of the treaty, by force, will involve us in war? I believe their simple ratification would bring England into concert with us, drive Miramon from the country, and, by such a partial intervention now, save war and constant intervention hereafter. We must else contend with France and England, as to who will do this duty. We have the opportunity of assuring to Mexico the best liberal government which has yet arisen. It is inclined toward us. Even Miramon, when protesting to us against the treaty, considers our recognition of the establishment, as he calls it (*establecimiento*), at Vera Cruz, as a thing inexplicable to him—indeed, such a policy would have been utterly impossible but a few years ago, when Mexico lived upon the rant of the soldiery about the Yankees,

and before her statesmen had learned to understand our aims and institutions.

2. Is it objected that this treaty will prevent annexation? Why, Fuente, the Mexican Minister of Foreign Affairs, refused to sign it because he feared to give away the sovereignty of Mexico! How can these objections be reconciled? By a division of sovereignty. But what is sovereignty without the concomitant power? What the empty crown without the head to plan or the arm to execute? Mexico has the right, but not the power; we furnish the last. If, then, it be objected to this treaty that it will prevent any annexation to this country, because it elevates Mexico into the dignity of an assured independence, I ask, if this followed, would annexation be less desirable or less probable?

3. Is it objected that we have territory and people enough for our own happiness and contentment? If Mr. Jefferson had so believed, we never should have had our southwestern empire, with the Mississippi, holding by its mobile drops of water this Union in its steadfast poise. If John Quincy Adams had so reasoned, would not Florida still have been, as Cuba is now, a menace to our peace and a clog to our progress? Had Robert J. Walker and John C. Calhoun so believed, we never should have had the lone star of Texas on our flag and her territory in our Union. Had James K. Polk so believed, California would still have remained a paralyzed limb of the diseased body of Mexico. Had Pierce so believed, the Mesilla would still be a *terra incognita*, and its mineral wealth would have had no chance for development. I have no fear of territorial expansion, sir, with the spirit of the Confederation preserved uncorrupted and pure.

4. Is it objected that Mexico has not a population suited to our system of self-government? Had not Louisiana her French, Florida and Texas their Spanish, and California and New Mexico a population like that of Mexico? Had not all our States their native Indian population? These are becoming homogeneous with the lapse of time. There is no reason why, under our system of local self-government and Federal decentralization, all Mexico should not live and progress under our Government, with the same success to herself and safety to us which these acquisitions have witnessed.

5. Is it objected that already we have distractions and threats of dissolution? Is it said that more territory would only add to our disquietude? Is the slavery question to disturb us in the path of empire? Are we to be hemmed in by fear of disunion? If this country, with its present Constitution, reposing on the intelligence of our people and the history of its formation, cannot grow without danger, it cannot live much longer without gangrene and decay. If there be vitality to hold us together, there is vitality with which to expand. Nay, without this expansion, decay is more rapid and disruption more certain. This country has settled one thing beyond the power of politicians to disturb it; and that is, that the Federal Government shall not intervene in the home affairs of the States; and that when they are in preparation for admission, no power but themselves, guided by their own wants and interests, shall, or of right ought to, prohibit or establish, or in any way control, their domestic institutions.

Mr. STANTON. Has the gentleman read the veto messages of Governors Black and Medary? Perhaps if he had, he would not regard that doctrine as the fixed policy of the country.

Mr. COX. This decentralizing doctrine makes expansion safe. If this be accepted as the policy of the country, expansion has no terrors which do not now menace us. Nay, an active outgoing policy would divert attention from internal dissensions. It would pour a vigorous life-blood into the older States. It would give activity to young and vigorous States, which would hasten under our protecting ægis.

I have no argument to make in an American Congress for or against slavery. Its discussion, in an ethical light, was exhausted by Aristotle two thousand years ago. The polemics of New England do no more than echo the words of the Stagyræite. They cannot add any thing to this discussion. As an economical question, if slavery could be made profitable in Mexico, it would go there. It may, therefore, go to the *tierras calientes*. It never went there under Spanish rule, and cannot go there now for physical reasons. Mr. Greeley wonders why Mr. Buchanan should covet it, when its soil and production unfit it for slave labor! He would wonder no more if he understood the Ostend manifesto in its comprehensive sense. It is no matter, in so far as it concerns our Federal unity—how much soever it may concern our ethics—how many slave or free States we have, so long as they are equal under a sacred organic law. Already the preponderance in favor of free States is declared. Southern statesmen like Hammond and Stephens acquiesce in it as a part of the law of emigration, locomotion, and population. Mexico would aggrandize our slave States, if she would not furnish one from her area. Dissimilarity of States in production and institutions is a part of our system. Out of these brotherly dissimilarities, as out of the vari-colored stones of the quarry, a fabric has arisen, whose harmony and majesty of proportion and strength are the wonder of art! With this as our policy, our territorial expansion is as illimitable as the continent and as safe as the stars in their appointed orbits. As safe as the stars: for they, too, like nations, are the effluence of God, evolving and expanding through the universe by the everlasting law of growth! They obey the same law by which the seed bursts into life, rises above the ground, effloresces and decays with perpetual bloom and sere. The same law of growth applies to our physical bodies as well as to the heavenly bodies. Without growth both body and mind decay and die. Growth is the condition of health. It is so with nations. History writes it on the frontlet of time as its foremost, grandest conception. God writes it in the flower, in the globular water drop, and the star, as well as in Egypt, Rome, and Greece. In the feudal ages of darkness, and in the later ages of illumination; in the eras of despotism, as well as of liberty; wherever His finger records His fiat upon the everlasting scroll, there is this law: "Whosoever, whatsoever doth not grow, is dead already!"

Is the Anglo-Saxon race an exception? Is this great self-government, whose next census will show under its flag thirty-six million people, and an advancement greater than ever before in material wealth, to become the laggard of the century? Will the next seventy years witness the retrogression of this continent into anarchy and ruin? Is Mexico's past

thirty years the index to show how far toward the occulation is the orb of our destiny? Or is Mexico to be invigorated and renewed by a new life from this race of ours? May not the mines of Chihuahua and Guanaxuato be made to glisten again under our energy? Will not the valley of the Aztecs again blossom as the rose, under a better dispensation of civil rights and social order? May not those mysterious palaces, buried deep in the solitudes of Yutacan, whose sculptured façades Stephens desired to rescue from destruction, again resound with the voice of life and blessing? May not the fisheries of the California Gulf become the source of a new trade, and its pearls deck the diadem of a new empire? These may be dreams, but I have yet to see the American who will not say that at some time and in some emergency the United States will "have to take charge" of Mexico, and, if necessary, gather up her mutilated members, and, by the charm of our polity, fit them to each other—articulation, tendon, muscle, bone, and sinew—and breathe into the form the soul of an active and benignant juvenescence!

If any Power interfere in Mexico, it must be either France, Spain, England, or the United States. The interference of Spain would only renew, with tenfold force, the antagonisms which now beset Mexico. Do we want England to make another Canada on our south; to hold us within her iron vice? But England has expressed the wish that *we* should interfere. The late accomplished Colonial Minister, Sir Edward Bulwer Lytton, gave voice to the best sentiment of the proud British mind, in the conclusion of his speech for the establishment of the British Columbia Government, on the 8th of July, 1858, when he said:

"I conclude, sir, with an humble trust, that the Divine Disposer of all human events may afford the safeguard of His blessing to our attempt to add another community of Christian freemen to those by which Great Britain confides the records of her empire, not to pyramids and obelisks, but to States and Commonwealths, whose history will be written in her language."

Some of England's statesmen have taunted us with having no foreign policy. We deserved the taunt. If rightly understood, England, sir, has nothing but pride in these outgrowths of her own strength; and she will have no protest to make against the honor and advancement of her own offspring. Laying England and the United States aside, what would be the result of a French interference? Not very remotely, a war of races for supremacy, not alone in Mexico, but on this continent. The Latin race and the Anglo-Saxon race cannot expand here without collision. The Anglo-Saxon, or rather the Anglo-American race, which is the best development of the Teutonic and Celtic, for adventure, enterprise, and martial success, has already combined the white races in America north of Mexico into liberal governments. History shows that that race has no returning footstep in its advancement. Is it desirable to array these elements here, in the face of this indomitable race?

An intervention by us, supporting a liberal Government like that of Juarez, which offers us free and safe intercourse, emigration, and religious toleration, with a stipulation by which our arms can be called in to crush anarchy and enforce order, is the only mode by which jealousy can be avoided and order established. A suffrage by which the felon and the inferior races of Mexico are restricted for a decade, would stay Mexico

from an inevitable relapse into barbarism, and, at the same time, by enhancing property and promoting prosperity, reconcile every impatient element in Mexico to our salutary protectorate.

A year ago, when I suggested to this Congress that the juncture was upon us when we should stop marking time, and begin moving forward, and that Congress was not up with the enterprise of the nation, the Madrid and Paris presses did me the honor to translate my speech, and to give it more importance than it merited, as the expression of what *La Cronica* newspaper was pleased to call the impetuosity of *La Joven America*. It expressed its amazement at the simple remark, "that, if we consider just now the elements of our people—martial, mechanical, intellectual, agricultural, and political—who will doubt that there are a dozen locomotive republics already fired up and ready for movement?" But, Mr. Speaker, I put it to the members of this House, whether there be one here who cannot say, that at least one regiment combining such elements can be mustered in each of the two hundred and thirty-seven districts of the United States? If legal sanction were given, either by the repeal of the neutrality laws or by some other Governmental action, quadruple this number could be raised before the telegraph had finished clicking the inspiring intelligence. That this is so, we cannot help. We should not desire to repress, only to restrain it. However much our caution may condemn and guard these elements, there is not an American who does not cherish a lurking, smiling approbation of this adventurous and elastic spirit which thrills the great nation of the New World! Call it what you will—manifest destiny, territorial expansion, star of empire, *La Joven America*, and even fillibusterism—it is here. We must make the best of it. If its current be not properly restrained within its banks, if we neglect, despise, or unduly repress it, it will only spend its force violently and disastrously, when once it takes its destined way!

Is there any American who wishes to consult European Powers as to the propriety or policy of such an expansion? Is there any one who fears a fatal blow from these Powers? We do not exist by the sufferance of Europe, but by its insufferance. We did not grow to our present greatness by its fostering care; but by its neglect, and in spite of its malevolence. We do not ask its pardon for being born, nor need we apologize to it for growing. It has endeavored to prevent even the legitimate extension of our commerce, and to confine us to our own continent. But if we can buy Cuba of Spain, it is our business with Spain. If we have to take it, it is our business with Providence. If we must save Mexico, and make its weakness our strength, we have no account to render unto Europe or its dynasties. A year ago, in glancing at European politics, I foresaw the portentous storm of the coming war. Scarcely had my language been published, before the balance of power quivered over Europe, and snapped like brittle glass, at an imperial yet sinister New Year's greeting in the Tuileries to the Austrian Minister. Soon the sword of Napoleon was thrown into the scales of Italian independence! The treaties of 1814 fell. The alliances of one year ago were blown into fragments from the rifled cannon of Solferino. As a consequence of this condition, not yet settled, all such alliances cannot be relied on to pursue us to any fatal end on this continent.

If European Powers choose to expand their empire and energize their people, we have no protests, no arms to prevent them. England may push from India through the Himalayas to sell her calicoes to the numberless people of Asia, and divide with France the empires of India, Burmah, and China. Civilization does not lose by their expansion. Russia may push her diplomacy upon Peking, and her armies through the Caucasus, and upon Persia and Tartary; she may even plant her Greek cross again on the mosque of St. Sophia, and take the Grecian Levant into her keeping as the head of its Church and civilization. France may plant her forts and arts upon the shores of the Red Sea; complete the canalization of Suez; erect another Carthage on the shores of the Mediterranean; bind her natural limits from Mont Blanc, in Savoy, to Nice, upon the sea. Sardinia may become the nucleus of the Peninsula, and give to Italy a name and a nationality. Even Spain, proud and poor, may fight over again in Africa the romantic wars with the Moors, by which she educated that chivalry and adventure, which three centuries ago made her the mistress of the New World. She may demand territory of Morocco, as indemnity for the war. America has no inquiry to make, no protocol to sign. These are the movements of an active age. They indicate health, not disease—growth, not decay. They are links in the endless chain of Providence. They prove the mutability of the most imperial of human institutions; but, to the philosophic observer, they move by a law as fixed as that which makes the decay of autumn the herald of spring. They obey the same law by which the constellations change their places in the sky. Astronomers tell us that the “southern cross,” which guarded the adventurer upon the Spanish main four centuries ago, and which now can be seen, the most beautiful emblem of our salvation, shining down through a Cuban and Mexican night—just before the Christian era glittered in our northern heavens! The same GREAT WILL, which knows no North and no South, and which is sending again, by an irreversible law, the southern cross to our northern skies, on its everlasting cycle of emigration—does it not control the revolutions of nations, and the vicissitudes of empires? The very stars in their courses are “Knights of the Golden Circle,” and illustrate the record of human advancement. They are the type of that territorial expansion from which this American continent cannot be exempted without annihilation. The finger of Providence points to our nation as the guiding star of this progress. Let him who would either dusk its radiancy, or make it the meteor of a moment, cast again with nicer heed our nation’s horoscope.

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#### HAYTI AND LIBERIA.

COMMERCIAL QUESTIONS—MORE IMPORTANT THAN RECOGNITION—BLACK REPUBLIC—NEGRO  
EQUALITY—COLONIZATION.

*Delivered in the House of Representatives June 2, 1862.*

Mr. Cox. I propose, in the few remarks which I shall make, to give something in brief of the history, condition, and commerce of Hayti and Liberia.

As far as relates to the history of Hayti, the very events by which it is marked, not only during the existence of slavery but since emancipation in 1793, show the inferior state of its civilization, and especially of its present negro rulers. From its discovery by Columbus in 1492, and the subsequent foundation of St. Domingo by the Spaniards, until its pillage in 1586 by the British Admiral Drake, devastation and the extermination of the aborigines by their former rulers appear to have been the only work. Hayti then fell partly under the power of French filibusters, who, in 1630, took entire possession of and colonized the western portions of the island. The colony was recognized by France in 1677; and in 1697, at the congress of Ryswick, the French possession thereof was sanctioned by Spain, England, and Holland. From that period up to 1789, a period of ninety-two years, during which the French ruled, Hayti increased both in population and in commerce, and the statistics of the latter year bring the exports for the same at the high figure of 205,000,000*f.* (nearly \$48,000,000). But the rude treatment of the slaves during this period ripened into revolution. Forgetting the unsuccessful attempt at rebellion of 1722, they rose *en masse* against their French masters in 1791, under the leadership of one Bonkman. After committing all sorts of atrocities, they completed their work by a massacre of all the white race, June 23, 1793, under Mayaca, another black chief. In 1794, France appointed Toussaint L'Ouverture, a negro, general-in-chief of the Haytien troops. This is the negro whom Wendell Phillips thought equal, if not superior, to George Washington. In 1795 Spain ceded to France the east part of the island. Soon after Toussaint declares the island independent. In 1802 the French General Leclerc, with twenty thousand French troops, lands at St. Domingo, surprises and makes Toussaint prisoner, and sends him to France. In the following year Dessalines, another negro chieftain, leads the blacks, beats the French, and drives off the island Rochambeau, Leclerc's successor, who is thereby compelled to surrender to the British fleet. After this Dessalines assumes imperial powers over the island, under the name of "James I." In 1806 he is assassinated, and, after Pétion's and Christophe's quarrels for the possession of the throne up to 1820, one Boyer assumes the power, and is proclaimed in 1822. France recognizes the independence of the island in 1825, and receives an indemnity of 150,000,000*f.* therefor. In 1843 Boyer is accused of tyranny and deposed. Hérard succeeds him; then Guerrier, in 1844; then Pierrot, in 1845; then Riché, in 1846; and then Soulouque, in 1847. While the negro presidents were thus succeeding one another, St. Domingo secedes in 1844, and constitutes itself an independent republic, under President Pedro Santana. France recognized the new republic in 1848; England in 1850. In 1849, August 26, Soulouque becomes Emperor, under the name of Faustin I. On December 22, 1858, a new revolution arises, led by Fabre Geffard. On the 15th of January, 1859, Soulouque abdicates, and Geffard is proclaimed President the same day. On March 18, 1861, St. Domingo asks to be annexed to Spain, and the request is granted by the queen on the 20th of the following May. The portion of the island thus annexed to Spain is by far the largest, though less populated. The Gotha Almanac gives it an area of 12,960 square miles; but from recent admeasurement by a French officer, it appears to have about 15,000

square miles, having a population of little over 200,000. The republic of Hayti has an area of 9,000, and by recent measurement 10,000 square miles, with a population of 560,000 inhabitants. Its revenue in 1859 was \$1,762,500; expenditure, \$972,572; debt to France, 60,000,000*f.* (about \$11,250,000), the original debt of 150,000,000*f.* having been greatly reduced.

In the *Commercial Relations* for 1860, page 701, our commerce with Hayti is set down for all the ports. I know my friend from Massachusetts relies on a statement inserted in the speech of Senator SUMNER; and it is said to be made out in the Treasury. I greatly distrust any thing in the shape of figures about Hayti. There are money sharks about ready to trade in the business of shipping our negroes thither; and their motives for making figures are not always the most unselfish.

In his pamphlet speech, Mr. SUMNER gives the sums of \$2,673,682 for one year's exports, and \$2,062,723 for imports during the same period, ending September, 1860. There is a large mistake certainly in the imports here. The last returns of the general commerce of Hayti for 1859 give the following figures, viz.: Imports 9,000,000 Prussian thalers, little over \$6,000,000; exports 12,000,000 thalers. The number of vessels employed in that trade was 310, measuring 61,420 tons, and of these 152 were American, 56 English, 54 French, and the other 48 of all nations. When we compare these figures with those shown in the returns of 1789, at which period the exports alone reach the sum of 205,000,000*f.* (about \$48,000,000), we cannot help admitting the deteriorated state of the industrial capacities of the black Haytiens.

In relation to Liberia, the books of geography and statistics give the following information: Area about 25,000 square miles, population 200,000, colony founded in 1821; the territory purchased from the aborigines. Over twenty small sovereignties were thus extinguished. The declaration of independence and political existence as a Government dates in 1847, at which period they adopted a constitution somewhat similar to ours. They elect their president for two, their senators for four, and their representatives for two years. All men who own real estate to the amount of thirty dollars are electors. Their revenue is derived from duty on imports and the sale of public lands. These are sold at from fifty cents to one dollar and a quarter per acre. Their capital is Monrovia, besides which they have eight small towns and several minor settlements. The produce so far has been ivory, palm oil, common gold dust, coffee, sugar, cocoa, cotton, indigo, ginger, and arrow root. Horses and other draught animals do not prosper, and goods are brought on men's backs from long distances. The climate so far has been unhealthy. Communications, except by water between the sea-ports, are difficult from the absence of roads.

In *Commercial Relations* for 1860, page 686, I find the navigation and commerce of the United States with Monrovia during the four quarters ending September, 1860, to be as follows: exports \$158,735.70, imports \$126,276.59.

If there is any commerce with other ports of Liberia, it is not shown. In the pamphlet speech made by Mr. SUMNER on this bill, the exports to Monrovia are brought up to \$200,000, and to the whole republic, to \$400,000! Quite in contrast with the above statement.



England recognized the republic of Liberia in 1848, and France in 1854. From the late reports of the Colonization Society, it would seem that Spain and other Powers have since done the same, as I propose to do it commercially. According to the Gotha Almanac, the three Powers first named have each a consul at Monrovia. The United States have a vice commercial agent at Monrovia and one at Gaboon. Liberia has nine consuls in England, and one or two in each of the other countries above, except the United States. Since 1821, the republic has extended its limits, and it must therefore have over 30,000 square miles. Its population are emigrants from this country. They have been slaves here. They do not exceed 15,000. The savage population is over 200,000. From its social relations with the neighboring negro tribes, it exercises quite an influence over nearly two millions of souls. Its geographical position and its capacity of producing many articles make its prospects bright, and it can be looked upon as a centre from which improvement may diverge. As a sort of appanage of the United States, I would not discourage its progress. Nor do I believe the best friends of Liberia wish to see it made the abolition foot-ball in this House for party ends. Those who now seek to make Liberia the instrument for forcing their doctrines of equality, have not heretofore been friends to the colony and its objects.

The question occurs with reference to both Hayti and Liberia, whether we cannot with the aid of commercial agents and consuls, and without the aid of ministers resident, assist in the development of the prosperity and trade of these countries.

This is the sincere desire which I had in offering my substitute; therefore I will not controvert any statement as to the commerce of these countries. Be it great or small, I would foster it.

But, Mr. Speaker, it matters not how much our commerce is with these countries, that commerce is not to be increased and fostered by the mode proposed by the gentleman from Massachusetts. The object sought by the gentleman from Massachusetts in this bill is not so much to increase the commercial relations of the United States with the countries named as to give a sort of dignity and equality to these republics, because they are black republics. It is, therefore, literally a Black Republican measure, and that is all there is in it. If the gentleman really wants to enlarge our commercial relations with them, my amendment will answer that purpose. It will be most effectual, because consuls general invested with the power to make treaties will answer every commercial purpose. The idea seems to prevail with the gentleman that no one can make a treaty or foster commerce between nations except a minister resident. Now, sir, the very origin and intention of the consular office and his function are to protect commerce. That is his special business; and while we may also authorize consuls general to make treaties, and exercise other diplomatic functions, still commerce is his sole object and aim. It is not worth while to say that our consuls in foreign countries cannot make treaties; that they are not clothed with diplomatic functions. If this be so, my amendment proposes to give them whatever power they may require for that purpose. It is very well known that our consul at Japan, Townsend Harris, and while consul, made a treaty between that empire and the United States, nor do I know that special powers had to be con-

ferred upon him. In the Statutes at Large for the Thirty-sixth Congress, page 99, is to be found the treaty which was made between Japan and the United States. It was made in the city of Yedo, Japan, on the 29th of July, 1858, and was ratified by the President and the Senate in 1860. It is signed by Townsend Harris, "consular agent for Japan, on the part of the United States of America," and by the proper officers on the part of his majesty the Tycoon, and the empire of Japan. The House will see from this instance that these consular agents can not only make treaties, but that they are much more likely than ministers to foster and increase commerce with foreign nations. It is their duty to watch over and protect commerce. They have connection with merchants. They are sometimes selected because they are merchants, while ministers resident too often are selected because they are noisy politicians. If we look abroad into the second-class missions of Europe, we see them lounging about the cafés in the continental cities or swelling in grandeur through the effete republics of South America, doing very little, if any thing at all, to promote foreign commerce with the United States. Therefore all this argument in relation to the amount of commerce between this country and Liberia and Hayti goes for nothing, so far as this recognition is concerned. All this talk of commerce is a mere pretext; consular agents may not only do the duties which are proposed in this instance, but they are especially made the guardians of such interests. I will refer to Vattel on this point. On pages 147 and 148 he uses the following language :

"Among the modern institutions for the advantage of commerce, one of the most useful is that of consuls, or persons residing in the large trading cities, and especially the sea-ports, of foreign countries, with a commission to watch over the rights and privileges of their nation, and to decide disputes between her merchants there. When a nation trades largely with a country, it is requisite to have there a person charged with such a commission; and, as the State which allows of this commerce must naturally favor it, for the same reason, also, it must admit the consul." \* \* \* \* \*

"The consul is no public minister (as will appear by what we shall say of the character of ministers in our fourth book), and cannot pretend to the privileges annexed to such character. Yet, bearing his sovereign's commission, and being in this quality received by the prince in whose dominions he resides, he is, in a certain degree, entitled to the protection of the law of nations. The sovereign, by the very act of receiving him, tacitly engages to allow him all the liberty and safety necessary to the proper discharge of his functions, without which the admission of the consul would be nugatory and delusive." \* \* \* \* \*

"And, though the importance of the consular functions be not so great as to procure to the consul's person the inviolability and absolute independence enjoyed by public ministers, yet, being under the peculiar protection of the sovereign who employs him, and intrusted with the care of his concerns, if he commits any crime, the respect due to his master requires that he should be sent home to be punished."

For the privileges of consuls with reference to commerce, their police power over sailors and ships, their jurisdiction in certain cases over a whole country for the protection of trade, I refer to the full discussion in 2 Phill., 170, &c.

I can plainly perceive, as was remarked in the Senate, that the revenue from our commerce with Turkey, Portugal, the Papal States, Denmark, Sweden and Norway, Switzerland, Japan, and the Central American republics, is so insignificant that the expense of maintaining missions at their respective Courts becomes an unnecessary burden on the Treasury. In times like these, when the strictest economy is necessary, when we are

overtaxing ourselves to create enough revenue to meet our expenses, we had better suppress all sinecure missions than run into other sinecures, like these missions to Hayti and Liberia, because of the precedents quoted.

I take it for granted, then, that consuls can attend to all our affairs in those countries; and again I ask, why do we not suppress these sinecure missions instead of creating two new ones—one in Hayti, where Europe has none but consuls general, at the same time clothed with the title of *chargé* or diplomatic agent, and another in Liberia, where Europe has none but consuls and vice-consuls?

According to the *Gothas Almanac*, Hayti has the following agents from the countries trading with it: England, consul general and *chargé d'affaires*; France, same; Spain, consul general; Portugal, consul general; and Holland, consul general. The United States, Belgium, Bremen, Denmark, Hamburg, Hanover, the Italian kingdom, Oldenburg, Mecklenburg-Schwerin, Austria, Prussia, and Sweden and Norway have only consuls.

Hayti returned to England one minister resident, one secretary of legation, and three consuls; to France the same thing; to Austria, Belgium, Denmark, and Hamburg, one consul each.

Now we come back to the question, what is the need of a minister resident at Hayti; and why do we want another in return? Is commerce your object? You can get that by the mode proposed in my amendment. I ask the gentleman from Massachusetts whether he expects a minister in return? Of course he does.

Mr. GOOCH. My proposition is to put Hayti upon the same footing with other independent nations, and to receive ministers from her, as England and France and other continental Powers receive them.

Mr. COX. The gentleman from Massachusetts intends to let Hayti and Liberia send as ministers whomsoever they please to this country. If they send negro ministers to Washington City, the gentleman will say they shall be welcomed as ministers, and have all the rights of Lord Lyons and Count Mercier. They cannot send any one else than negroes as representatives of their nations. Indeed, a negro, by the Constitution of Hayti, is the only person who can hold such an office. That Constitution debars whites from office.

Mr. FESSENDEN. What objection can the gentleman have to such a representative?

Mr. COX. Objection? Gracious heavens! what innocency! Objection to receiving a black man on an equality with the white men of this country? Every objection which instinct, race, prejudice, and institutions make. I have been taught in the history of this country that these Commonwealths and this Union were made for white men; that this Government is a Government of white men; that the men who made it never intended, by any thing they did, to place the black race on an equality with the white. The reasons for these wise precautions I have not now the time to discuss. They are climatic, ethnological, economical, and social. It may be, the gentlemen on the other side intend to carry out their schemes of emancipation to that extent they will raise the blacks to an equality in every respect with the white men of this country. I suppose

they want to approach that object by having a colored representative in the capitol at Washington. Is not that your object? I charge that it is. Do you not want to begin by giving national equality to the black republics? After having obtained the equality of black nations with white nations, do you not propose to carry the equality a little further, and so make individual, political, and social equality?

Mr. FESSENDEN. The gentleman can draw such inferences as he pleases; but he will state his own reasons, and not ours.

Mr. COX. If I draw my own inferences, I might draw a great many about the gentleman from Maine. I recollect that the gentleman stated that he would rather that the Union should not be restored than that slavery should continue. I draw some remarkable inferences from such language. He is, therefore, consistent and logical in trying to get at black equality. If slavery is not abolished, he is a disunionist. He is for its abolition, and hence favors this plan of equality, to welcome the enfranchised when the scheme is fully ripe.

Mr. BLAIR, of Missouri. The other day, when we had a bill before the House for the emancipation of the slaves of rebels, I offered an amendment for their colonization, against which the gentleman voted.

Mr. COX. Yes, I did.

Mr. BLAIR, of Missouri. That looks as if the gentleman wanted to keep the negroes here on an equality with us. [Laughter.]

Mr. COX. The gentleman laughs, and others laugh around him. It is only the crackling of thorns under a pot. There is no inconsistency in my proposition. I voted against the proposition to colonize the negroes, not because I did not believe, if this emancipation took place, the emancipated slaves would not be better apart from the whites, and better out of the country; but because I am not prepared, in view of the great expense which such a proposition would incur, to add now to our present heavy taxation.

Mr. BLAIR, of Missouri. My amendment proposes that the negroes should be apprenticed, and that the receipts should go to pay the expenses of their removal.

Mr. COX. I know that idea was ingrafted as an amendment to some other wild proposition; but it was one of those delusive, Utopian schemes for Federal supervision over a system of labor, which, I thought, did not come from the practical good sense which distinguishes the gentleman from Missouri, and the distinguished family from which he springs. [Laughter.] But why does the gentleman come forward to lecture me for not voting for his bill? Why does he not turn round and lecture some of his *confrères* upon the other side of the House? Let him secure a majority of his own friends first in favor of his proposition, and then he can appeal to us.

Mr. BLAIR, of Missouri. The gentleman will allow me to say that a majority upon this side of the House voted for it. Fifty-odd Republican members voted for it, which covers more than a majority of the Republicans who voted.

Mr. COX. Why do you not lecture those of them who did not vote for it?

Mr. BLAIR, of Missouri. I have been lecturing them all winter. [Laughter.]

Mr. COX. I am afraid that my friend is too good-humored. He ought to use something in his lecturing beside mere easy talk. A little of the lash might do some of his party friends good. [Laughter.]

Mr. BLAIR, of Missouri. The use of the lash has almost gone out even with the negroes. It may still be retained upon that side of the House. [Laughter.]

Mr. COX. No, sir, it is not. The gentleman can see how perfectly free and easy we are over here. [Renewed laughter.] There is no sort of coercion or compulsion about us. Now, I want to say to my friend from Missouri just this about his propositions: they emanate, I know, from the very best of motives. He wants the negroes transported as soon as they are freed, but he is in a minority in his party.

Mr. BLAIR, of Missouri. It does not appear so.

Mr. COX. He is in a minority among those who control his party. The men who control our legislation here are those who say that the negro, if he is born here, has the same right to live in America as the white man has; that he is entitled to freedom in locomotion and emigration; that you cannot force him out of the land of his birth, and that it is his inalienable right to be free. That is your language; that is your philosophy; and you yourself, sir, do not propose, in your own bill, any coercion of the blacks to make them go out of the country. Indeed, your bill repudiates compulsion. You cannot compel.

Mr. BLAIR, of Missouri. I am so thoroughly a democrat, and have such confidence in the people, that I believe that when you present to any people that which is for their best interests, they will adopt it. I do not believe, as the gentleman and some others seem to, that these people have not sense enough to do what is for their interest. I believe that negroes understand what is good for them as well as other persons do.

Mr. COX. If these negroes will not go voluntarily, will you make them go after you free them?

Mr. BLAIR, of Missouri. So far as I am concerned, I have not the least hesitation in saying that I would be in favor of deporting these slaves when emancipated.

Mr. COX. And that is your idea of the God-given right of liberty, is it? Oh!

Mr. BLAIR, of Missouri. Yes, sir; I would give them the right of liberty where they can enjoy real liberty, and not where, as in both the slave and the free States, they enjoy no liberty and nothing that makes liberty sweet to man. I go for giving them a country and a home, and complete liberty in that country, where they will be superior to any other race.

Mr. COX. Well, there is a great deal of good sense in that. The free blacks ought to be transported from this country; as Jefferson said, when free, they are better away from the whites.

Mr. BLAIR, of Missouri. I am sorry the gentleman did not vote with me, and show the same sort of good sense and consistency.

Mr. COX. I am perfectly consistent, sir, but I never will vote for schemes like that of the gentleman, which proposes to create more free negroes, when we cannot as yet send off the free negroes we have; and because I believe that, in spite of every thing that he can do, it will entail

an expense that no people can meet, and that our people now cannot meet. I am with the gentleman in desiring to send the freed black men out of the country, or at least in preventing any more from coming into my own State. The State of Indiana excludes them, and I believe has, like the State of Illinois, a colonization fund to pay their way out of the country. I wish the State of Ohio had the same thing, and then, instead of the census showing in Ohio an increase in the ratio of the free colored population of our State over the whites, it would show a decrease in proportion to the white race, as is the case in Indiana and Illinois.

Mr. JULIAN. In the State of Indiana the black law is notoriously a dead letter upon our statute-book.

Mr. HOLMAN. The constitutional provision, and the law made in pursuance of it prohibiting the immigration of free negroes into Indiana, may be inoperative in that part of the State which my colleague represents, but I am very sure that in that portion of the State which borders upon Kentucky the people have deemed it necessary, as a measure of policy, and to protect their own internal interests, to enforce the law.

Mr. COX. I think I must go on with my remarks. I have been led away altogether from the course which I had marked out for myself in regard to this bill. I intended to show the state of society in Hayti; something of its commerce; something of the condition of its Government, that we might see whether there is any propriety in our having a diplomatic functionary at that place, and having one from them in return. I shall, however, take an early opportunity of showing to this House exactly what I conceive to be the effect of these schemes of emancipation and colonization, especially in reference to the free negroes and their immigration into my own State. I made an issue the other day with my colleague [Mr. BINGHAM] on this subject, and I intend to pursue that issue, and to see whether or not the State of Ohio has the right, and should exercise it, to keep out these hordes of blacks that are now coming over into Ohio. I know we cannot send them to Hayti. They will not go there. The idea of the gentleman from Missouri is utterly chimerical. They claim the same right in this country that he has. In the meetings at which they have assembled in this city, the proposition to go to Hayti was made to them, and they voted it down. It was so in Boston—

Mr. BINGHAM. Will my colleague have the kindness to let me suggest here, as he proposes to make an issue with me in our State—

Mr. COX. I joined issue with the gentleman the other day.

Mr. BINGHAM. I did not know that we had joined issue so very formally, but will he have the kindness to let me know how he proposes to dispose of these free negroes? He says he will not favor their compulsory emigration to Liberia: where will he put them?

Mr. COX. I said not a word about compulsory emigration to Liberia. I would put them where the Constitution puts them. But one thing I will not do—favor the equality of blacks with whites, either individually or nationally.

A few words before I conclude as to the Government of Hayti. The present state of Haytien society is divided into two political parties very distinct from each other—that of the blacks or pure negroes, and that of the mulattoes or mixed race. The former have the power, but are very

ignorant; the latter embrace all the educated classes, but are envied and suspected by the pure blacks, and therefore kept by them under a species of yoke similar to that of the "rayas" in Turkey. As an illustration of the extreme ignorance of the blacks, I will quote the words of President Pierrot, in 1845, who pretended that all Haytiens who, like himself, could not read, were to be considered blacks, and all those that read were to be deemed mixed. The Haytien black achieved his independence; but as he has always present to his mind the fact that he was a slave to the white, and has suffered under him, he naturally hates him, and all that have any connection with him. Hence the envy and suspicion he entertains against the mulattoes, whom he supposes to be the friends of the white, and to be plotting with him to bring the black back to slavery. He has a decided reluctance to every kind of improvement proposed by the white or mulatto, and he will not educate himself. The pure blacks are in the proportion of nine to one, and rule all. The administration of the Government is ignorant, improvident, engaged in nothing but uniforms and parade, inexplicable dumb shows, and "negro shows" at that. They have an army of forty thousand strong, in rags, and scarcely one-third armed, without any kind of discipline, almost without officers, and whose pay, small as it is, is neglected. They are the ebony counterpart of Falstaff's company when he used the king's press so damnably. They have a treasury, kept up by paper money, the nominal value of which, issued for one dollar, or gourde, has fallen to twelve cents! They have an excessive tariff on both imports and exports, from which the State derives its revenue. There is great corruption in all the departments of their Government.

Several MEMBERS. They are on an equality with this Government in that.

Mr. Cox. That remark might well apply to one Department; and if Hayti instead of Russia had been selected by a former Cabinet officer for his dishonorable retircacy, there would, I admit, be a sort of fitness of things. [Laughter.]

Thus I have recounted in a desultory way—for I did not expect Hayti in to-day—the condition of one of the finest countries in the world, which, had it been well administered, would really deserve its old name, "the Queen of the Antilles." This state of things is due to the fact that, for the last seventy years of their independence, the blacks have been confined to themselves, and have declined all improvement or instruction, either in law or economy. During this trial of seventy years the blacks have proved that they are not fit for government, nor competent for independence. The conduct of Spain, referred to by the gentleman from Massachusetts [Mr. GOOCH], proves this. To admit such a nation on an equality with this Republic, is as much of a caricature on international comity as the admission of a Port Royal contraband to a seat in Congress. It is an indisputable fact that Hayti, with a population of over half a million, and one of the finest soils on the earth, productive of the rarest articles, possessed of rich mines of gold, mercury, iron, and coal—an Eldorado—has for the past seventy years remained an unprofitable spot because of the inability of its people to raise themselves above the corruption, laziness,

improvidence, ignorance, and vice which seem to follow the undirected African wherever he goes.

It is said that England and France receive chargés from Hayti and Liberia. The Exeter Hall abolitionists have perhaps made it possible in London to have the negro recognized at Court; but I understand that except on Court days, when he is presented in that solemn scene of mockery, he is isolated and slighted, except it may be in the saloons of the Duchess of Sutherland or some other innamorata of the African. In Paris we know that any show from a puppet to a prince is a sensation; and besides, there was some reason why France should take Hayti under her protective wing. But unless gentlemen here propose equality, unless they intend abolition entire, there is nothing logical in their pressing this bill. So long as they suffer slaveholders and slave States to have or take any part in this Union, it is an insult to bring into the Federal metropolis this black minister proposed by the gentlemen. What is it for, unless it be to outrage the prejudices of the whites of this country, and to show how audaciously the abolitionists can behave? How fine it will look, after emancipating the slaves in this District, to welcome here at the White House an African, full-blooded, all gilded and belaced, dressed in court style, with wig and sword and tights and shoe-buckles and ribbons and spangles and many other adornments which African vanity will suggest! How suggestive of fun to our good-humored, joke-cracking Executive! With what admiring awe will the contrabands approach this ebony demi-god! while all decent and sensible white people will laugh the silly and ridiculous ceremony to scorn.

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#### TRENT AFFAIR.

SEIZURE OF SOUTHERN AMBASSADORS—RIGHT OF SEARCH IN TIME OF WAR—ENGLISH AND AMERICAN DOCTRINE.

ON the 17th of December, 1861, I took occasion, in reporting a bill for the relief of the owners of the British ship "Perthshire," to discuss the matters involved in the Trent affair. A few extracts from the debate will furnish the preface to the more elaborate discussion of the rights of neutrals, which follows:

I would not to-day bring in this bill, if I believed that any inference would be drawn from its passage that it was dictated by any concession to British arrogance. I would not ask this House even to do a matter of right under a threat from Great Britain, or under the dictation of her arrogance or passion; but in order that we may demand our rights of Great Britain, we should always be ready to do right toward her. In the jealous defence of our maritime rights our officers may exceed their duty. The moment that is ascertained, as it is in this instance, the Government will take pride in according satisfaction. Our Government must do its duty in order to assert its rights. It is to be hoped that the action of this House, at least toward foreign powers, will show a wise and just con-



ciliation without any timid or time-serving submission. While we would not yield one inch to any servile fear or ungenerous compulsion, such as is threatened by the late news from England, it is becoming the dignity of the Republic promptly to remedy grievances. Thus we are triply armed to demand prerogatives belonging to our nationality, both at home and abroad.

Great Britain should, and I trust will, meet us in this spirit, when we demand of her why it is that she has afforded an asylum in Southampton harbor to the Nashville. Without nationality, without even the pretence of a barbarous privateering commission; and after bearing an envoy of the rebels (Colonel Peyton) to Great Britain; after overhauling the Harvey Birch upon the high seas, almost within sight of the shores of England; after dragging down the stars and stripes from that ship, and raising instead that strange banner of triple-striped infamy; after ironing her crew, and with the red hand of the bold buccaneer burning her to the water's edge; after all this, the Nashville has found a hospitable asylum in the harbor of Southampton, to be refitted for another outrage with warlike armaments from English storehouses! We have a right to demand how it is that she is permitted thus to refit. We have a right to demand whether that is in accordance with her much-boasted but ill-disguised neutrality. We have a right to know, after Great Britain has assumed her position of neutrality, and assumed it voluntarily and in defiance of our protest, how it is that, consistently with that assumption, she can give aid and comfort and warlike stores to this ship Nashville, for the very purpose of enabling her again to make roving inroads upon our commerce? I think, so far as I know anything of the case of the Nashville, that the English people, if not the English Government, have acted as accessories after the fact to the piracy committed upon our commerce. She cannot complain, then, that in the midst of the great national peril that overshadows us, and while the public nerve is so acutely sensitive to the very least indignity—she cannot complain that we, in our great tribulation, should ask of her to do right as a neutral, since she has assumed that position. In connection with the case that I have presented to the House, I will now, for a very few moments only, call the attention of the House to the position which our Government assumes with reference to the case of the Trent. I say our Government assumes a position. True, the President has in his message preserved a discreet reticence with reference to it; but this House in the first hours of its session, and the Secretary of the Navy in his report, have justified Captain Wilkes for his performance. Honors have been showered on him. His heroism has been lauded. I assume that our Government, by not disapproving, at least has sanctioned his conduct on the highest principles of international justice.

The other day, at the beginning of this session, the gentleman from Illinois [Mr. LOVEJOY] introduced his resolution approving the conduct of Captain Wilkes. I voted for that resolution. I approve of that action of Commodore Wilkes, because it was founded on international right. This matter came again before the House yesterday; and lo! in the face of the morning news which echoed with the roar of the English lion, there seemed to be a different spirit on the other side of the House! I hope

that the House did not intend on yesterday to express an opinion adverse to our rights in the case of the Trent, by referring the matter to the Committee on Foreign Affairs. I believe that, when the matter is discussed by that committee and reported to the House, the committee and the House will stand together by our rights in the premises. But I was reluctant to vote for its reference; not because the members of that committee will not examine it fully and do their duty to the country, but because my own opinion was foregone and had been expressed on the resolution of the gentleman from Illinois. The more I examine it, the more I am satisfied that, in regard to this question, this Government stands in a position to defend herself in any forum before the world.

Mr. COLFAX. I desire to say to my friend from Ohio, that in common with many other members, I voted yesterday for the reference of the resolution to the Committee on Foreign Affairs because I thought that, standing as we may probably be on the brink of war, it was the duty of the American Congress to send out whatever it declared gravely, deliberately, solemnly, as the emanation of a standing committee, and not as the mere impulse of a solitary member.

Mr. VALLANDIGHAM. Will the gentleman from Indiana be kind enough to explain why those considerations which he urges with such force just now, did not occur to him on the first day of the session, when he proposed to imprison one of those men?

Mr. COLFAX. I will do so with great pleasure.

Mr. VALLANDIGHAM. He had not heard from England at the time, peradventure.

Mr. COLFAX. My resolution in reference to Mr. Mason was in reference to a man who had taken an oath as a Senator of the United States to support the Constitution of the country, and had violated it. He was not only a traitor, but he had violated his oath. He was in our hands, and I proposed to imprison him and subject him to treatment corresponding with that shown to Colonel Corcoran. When we come to deal as a nation with foreign nations, that is, of course, a different matter.

Mr. VALLANDIGHAM. I ask the gentleman from Indiana whether there is to-day any less violation of their oaths on the part of Mason and Slidell than there was the first day of the session? Are they less traitors now than they were then? If so, what makes the difference?

Mr. COX. I must arrest this interlocutory debate.

Mr. COLFAX. I am still in favor of meting out the same treatment to them as Colonel Corcoran receives.

Mr. VALLANDIGHAM. These men will be surrendered before three months in the face of a threat. I make that prediction here to-day.

Mr. COLFAX. I disbelieve it.

Mr. COX. I hope that the prediction of my colleague will never be fulfilled. I have some faith in the sagacity of our Secretary of State, too much faith in the honor of the people of the country, to believe that they will ever permit their Government, in a case of clear right, to so dishonor them. The honor of a nation is its credit; its credit is its commerce; its commerce is its cash; and its cash brings with it the comforts and refinements of civilization. Where you touch the cash, you have a powerful argument with any nation. The pecuniary argument is, with the majority,

generally stronger than the moral argument. When moral influences combine with pecuniary, they are irresistible. The people of the country, however, will stand, as a point of honor, by the rights to which they are entitled on land or sea. They will look with jealousy on anything that has a tendency toward impairing their nationality, either at home or abroad. When they fail in this, they deserve expatriation from this the cushioned part of God's footstool given in high trust to their keeping.

I was about to state the proposition on which I believe the Government can plant itself in this matter. I do not propose now to argue it elaborately. I will cite but few authorities. The public newspapers have been teeming with authorities, some relevant and some irrelevant.

Mr. LOVEJOY. I rise to a question of order. My point is, that the remarks of the gentleman are irrelevant to the question before the House, which is a question as to the detention of the *Perthshire*.

Mr. COX. If I could only put the "African" into the question, no doubt it would be relevant. I propose to show a direct connection between our according the rights that are due to Great Britain and our demanding our own rights in return. Therefore my argument is logical and pertinent.

The SPEAKER. The Chair decides that the gentleman from Ohio is in order.

Mr. COX. I will show the gentleman immediately that I am in order. I am going to make the connection [laughter], and will do it without the aid of the negro. The principle on which we will accord justice to England, and on which we shall demand justice from England, is to demand our rights and do our duty in return. Our justification in the case of the *Trent* is, that her act was one of hostility in bearing these ambassadors; and hostility, whether it consist in carrying despatches, envoys, or other and worse than contraband, in a neutral merchant ship.

It will not do to answer that no case like this has ever been adjudged. Nearly all the Spanish-American ambassadors, during the revolutions of their States, that have been sent between this continent and Europe, have been sent either in British or American ships, and have never been interfered with. European ambassadors passing from nation to nation have, by reason of the geographical relations of the countries, never been disturbed; and hence specific cases of this nature have not arisen hitherto.

The principle which regulates these international questions is this: it has been decided that a neutral ship bearing despatches in time of war shall be confiscate, and if confiscate when bearing despatches, *à fortiori*, if such vessel bears ambassadors, who are of far greater consequence than despatches. The mission of ambassadors is of far more importance than battalions of armed men and whole cargoes of shot, shell, guns, sabres, and other contraband. An ambassador may carry in himself alliances which will give credit, raise loans and armies, and even solve revolutions. The ambassadors of this Government, in our Revolution, consummated alliances and made treaties and loans, which enabled us to secure recognition and independence. Then there is in this case a stronger reason why the vessel should be confiscated when she bears that which is much more important to the enemy than despatches. Our ambassador in the Revolution, Mr. Laurens, was considered of so much importance

by the British Government that they exchanged him for Lord Cornwallis, the commander-in-chief. And so in this case, these ambassadors, recognized as such by the President of their so-called Confederate States in his message, are of fifty-fold more importance than merely articles contraband of war.

Now, the right, in time of war, of every belligerent ship to search all vessels, except national vessels, for contraband, has never been denied. The Queen's proclamation proceeded upon this principle. Hautefeuille propounds this doctrine. Chief Justice Marshall recognized it in the *Santísima Trinidad* case (7 Wheaton, 283).

"Two publicists, Wheaton and Ortolan, adopting the opinion of the English judges, look upon the transport of despatches by a neutral as an act quite as grave as the transport of troops, and as leading to the confiscation of the neutral vessel."

Such is the language of Hautefeuille. Hostile despatches are in the same category with contraband. (*Chitty's Law of Nations*, p. 147; *Phillimore*, 368, 370; 1 *Kent*, 154; *Wheaton*, 529.)

In the case of the *Orozembo*, which carried three soldiers and two civilians in the Dutch service from Macao to Batavia, Sir William Scott held:

"This is the case of an admitted American vessel; but the title to restitution is impugned on the ground of its having been employed, at the time of the capture, in the service of the enemy, in transporting military persons, first to Macao, and ultimately to Batavia. That a vessel hired by the enemy for the conveyance of military persons is to be considered as a transport subject to condemnation has been in a recent case held by this court, and on other occasions. What is the number of military persons that shall constitute such a case it may be difficult to define. Whether the principle would apply to them alone, I do not feel it necessary to determine. I am not aware of any case in which that question has been agitated; but it appears to me, on principle, to be but reasonable that whenever it is of sufficient importance to that enemy that such persons should be sent out on the public service at the public expense, it should afford equal ground of forfeiture against the vessel that may be let out for a purpose so intimately connected with the hostile operations."

The same principle is held in *Hazlett and Roache's Manual of Maritime Warfare*, page 293. It is strongly stated, in its reason and principle, by Lord Stowell in the case of the *Maria* (1 *Robinson*, 340), as follows:

"The right of visiting and searching merchant ships upon the high seas, whatever be the ships, whatever be the cargoes, whatever be the destinations, is an incontestable right of the lawfully commissioned cruisers of a belligerent nation." \* \* \* "This right is so clear in principle that no man can deny it who admits the legality of marine capture." \* \* \* "The right is equally clear in practice, for practice is uniform and universal upon this subject. The many European treaties which refer to this right, refer to it as preëxisting, and merely regulate the exercise of it. All writers upon the law of nations unanimously acknowledge it. In short, no man in the least degree conversant with subjects of this kind has ever, that I know of, breathed a doubt upon it."

In the case of the *Atalanta*, decided in 1808 (6 *Robinson*, 440), the learned judge said:

"Nor let it be supposed that it is an act of light or casual importance. The consequence of such a service is indefinite—infinity beyond the effect of any contraband that can be conveyed. The carrying even of two cargoes of stores is necessarily an assistance of a limited nature; but in the transmission of despatches may be conveyed the entire plan of a campaign that may defeat all the projects of the other belligerent in that quarter of the world."

In a subsequent case, when the despatches were in course of conveyance, not from the colonies of the enemy, but from a State in comity, and from the public ambassador of the enemy, residing in that State, to his own Government, Sir William Scott restored the vessel's cargo on payment of the captor's expenses; thus holding the search and capture justifiable. In distinguishing this case from the preceding, he said:

"I have before said that persons discharging the functions of ambassadors are, in a peculiar manner, objects of the protection and favor of the law of nations. The limits that are assigned to the operations of war against them, by Vattel, and other writers upon these subjects, are, that you may exercise your right of war against them wherever the character of hostility exists; *you may stop the ambassador of your enemy on his passage,*" &c.—*The Caroline*, 6 Rob., 461-468.

Mr. Cushing, in his perspicuous and able discussion of this subject, maintains the principle by which this question can be determined. From his abundant learning in international law and his cogent logic, he deduces the doctrine which I venture to say no English jurist will dispute. He says:

"The belligerent seizures of enemy despatches and military persons, although not precisely in point as cases, are yet the common corollaries of the same principle as the arrest of enemy ambassadors. To argue the contrary would be to make the law of nations a mere collection of detached facts, instead of a system of doctrines and principles. That is not so. New or doubtful cases may occur, innovations may be accomplished or attempted, in the law of nations, as in any branch of municipal law; but principle remains, doctrines subsist, general rules are to be reasoned out for the guidance of nations and of men, as well in the juridical relations of nations as of men. And the doctrine here is that of contraband of war; the principle, that of the duty of all neutral Governments to abstain from affording military aid to either recognized belligerent; and, in like manner, to abstain from affording political aid to the insurgents of another Government, save when the time may have come, if it ever shall come, to treat such insurgents as a new, independent State, and to do that even at the risk and responsibility of war with the legitimate Government."

I might add to this the authority of Mr. Everett; and to his, the opinion which I received to-day in a letter from a statesman now in retirement [Mr. Buchanan], who has served his country as a diplomatist at two of the leading courts of Europe, besides filling our office of Secretary of State with consummate ability. The case of the Trent in their judgment is embraced within the reason of the rule laid down for despatches and contraband.

The more this question is examined, the more impregnable is our position. Nor is there any thing in our previous diplomacy to weaken it. I had supposed, before examining the question, that we were precluded by our previous conduct from asserting this principle. But the question upon which this Government once went to war with Great Britain was in resistance of her claim to take from our ships British *subjects*—not ambassadors. Nor does our denial of the right of search, which was involved in the slave trade, preclude us from asserting the position I maintain. That doctrine had reference exclusively to a *time of peace*. There is nothing, then, in our diplomatic record to weaken our position.

It is enough now for us that on this ground we may safely say to England: "Fulfil your neutral obligations. Until you do so, you cannot quarrel with us for the exercise of our most indubitable right. If you insist on belligerent rights between North and South, do not, as a neutral,

help the one belligerent, to the detriment of the other ; for, as Vattel and all publicists hold, this is fraud."

In this spirit alone can our relations toward Great Britain continue amicable. We will readily yield her rightful demands, as in this case of the Perthshire. We yield nothing—*NOTHING*, to her arrogance, passion, or pride, when we are clearly in the right. The letter of General Jackson to Livingston, the original of which was read by the historian Bancroft at a New York meeting, and applied by him to disunionists here, may be as appropriately applied to their sympathizers abroad : "The Union must be preserved without blood, if this be possible ; but it must be preserved at all hazard, and at any price." This Jacksonian talk has ever been my rule of action here : "The Union, *without bloodshed, if possible ; BUT THE UNION AT ALL HAZARD AND AT ANY PRICE.*" So with our honor among the nations. For it is thus, and thus only, that in the conflict for our national existence, we will avoid entanglement and conflict with nations whose material interests, as they think, depend upon our discomfiture, and whose chronic jealousy of our republican success has led their rulers to hail our anticipated disruption and ruin with delight.

We are, sir, in this country too sensitive of foreign opinion. Mr. Seward said well when he told Mr. Dayton that it was no business of our ambassadors to overhear what the foreign press or foreign ministers said about us. Our duty was to maintain our Union in its integrity, and our position as a leading Power among mankind, regardless of the machinations of rebels at home, and the derision and hostility of kings and aristocrats abroad. I know that we naturally dislike to have our institutions misrepresented, and our destruction predicted. There is much in the old Spanish motto, "*De mi rey, solo yo*"—no one shall speak of our king except ourselves ; no one shall speak of our sovereignty but ourselves. I would that we were more indifferent to the poisoned shafts of foreign malice, barbed as they are by aristocratic hate and pretension. We have been freely scorned by nations whose moral standard is measured by their commercial profit and loss, whose national honor depends upon a cotton pod, whose philanthropy has been an intermeddling Phariseeism, and whose complacent neutrality, so promptly assumed, seems to glory in the humiliation of a kindred and Christian nation, without regret or sympathy, because of its splendid illustration of commercial grandeur, and its defiant adherence to democratic government.

Let us, sir, pursue our duty to the age and the nation with unruffled composure and determined will. Heaven does not desert the undismayed. Even though there may be foreign troubles impending, for us to despair now is to die. I like the motto of the old Romans, which I have, in this hour of our trial, often commended to my constituents, "never to despair of the Republic !" They used to write it upon the lintel of their doors, and to emblazon it upon their temples. It was upon the lips of the people, it was in the mouths of their orators, "never to despair of the Republic ;" and when a Roman general, even in the agony of his defeat, gave out the inspiring words, "never to despair of the Republic," a Roman Senate voted him a triumphal entry within her imperial gates.

Let us fling aside the burden of our national woe, lament nothing of the irrevocable past, dare all that is just and constitutional ; make no cruel

and disastrous diversions from the great object of rescuing our nationality; crush as we would a nest of adders those who would impair its proportions as well as those who would turn us from that object to other and ignoble objects, involving fresh divisions, broken armies, social revolutions, servile insurrections, perpetual penalties, and eternal hates; and move, each and all, heart, soul, body, men, means, munitions, intelligence, and patriotism, to the grand and only object—the restoration of our dismantled Union. Thus feeling and thus acting, we may emerge from this strife of struggling States; and, like the fabled demigod, receive added strength from our very prostration. If, sir, we observe the rules of right and honor in regulating our conduct abroad, if we observe the object of the war that is now upon us, as the President proclaimed it to the people, as the soldiers of the Republic understand it, as the House resolved it in the Crittenden resolutions, and as the Constitution and the Union demand, we may be assured that our martial resources, the intelligence and valor of the masses, the very physical geography of the country, and God himself, will fight for us against this rebellion. I believe that Providence has marked upon the face of this continent—written in lines never to be erased—that this Union, as it was, shall remain, one and indivisible. I believe in the idea suggested by Mr. Everett, that our physical geography binds us and bars us together. He said that before this Union could be permanently broken, the Alleghanies must bow their heads to the ocean, and the Mississippi and the Missouri roll back their currents to the Rocky Mountains. If we would assure to posterity the political Union we have lived under so happily, we should forget all thoughts of vengeance, seize, with statesmanlike sagacity, upon the elements of unity we have even yet in our unhappy land, and mould them in the spirit of conciliation and wisdom; keeping out of these halls fatal and disastrous discussions on inflammatory and sectional topics; keeping the one holy object before us for which the lives of our brave soldiers are so freely offered, and the millions of our means are so freely expended. With this object nobly pursued, God will be with us, and our arms will prevail!

We have many elements of union. We have as yet a common blood, a common language, a common heritage, a common ancestry, a common history, a common glory, and a common faith in the same heavenly Father. Thanks to their courageous patriotism, we have many of the noblest men from the South still with us, taking their part in our legislation, and sharing the perils of the Republic. They sit around me, with eye unblenched and spirit unbroken. I am ready to heed now, as I have always heeded, their counsel, when they tell us how rightly to mould these elements of union for its restoration. Mr. Speaker, if we would thus act all may yet be well. We may come from this great struggle strengthened and purified by sacrifice, more young, more exultant, more progressive, and inspired with a purer if not so ostentatious a consciousness of our great destiny, under Providence. I move you, sir, therefore, that this bill I have discussed preliminarily may be put on its passage.

## DEMOCRACY OF THE SEA.

PARIS CONFERENCES—SECRETARY MARCY'S REPLY—RIGHTS OF NEUTRALS—THE LIBERAL AMERICAN MARITIME POLICY, CONTRASTED WITH THAT OF ENGLAND.

ON the 3d of March, 1862, Mr. Cox introduced the following joint resolution in relation to maritime rights :

*Whereas* international law cannot acquire any considerable extension except by the collective work of the nations either assembled in congress by delegates, or by the combined negotiation of the principal nations: *and whereas* the events connected with the Trent affair have given rise to the discussion of maritime rights by the principal powers of the world, all interested in their authoritative settlement; and in that discussion the friendly offices of the Emperor of France were tendered to this Government for the purpose of adjusting the questions involved on a clear and liberal basis, looking to the amelioration of the rights of neutrals upon the sea: Therefore—

*Be it resolved, &c.* First.—That the national legislature acknowledges the friendly intentions and enlightened views of the Emperor of the French in said interposition.

Second.—That it favors the most liberal propositions with respect to maritime rights and the abolition of such usages as restrict the liberty of neutrals and multiply the causes of dissension in the world, believing that humanity and justice demand that the calamities incident to war should be strictly limited to the belligerents themselves and to those who voluntarily take part with them; but that neutrals abstaining in good faith from such complicity ought to be left to pursue their ordinary trade with either belligerent.

Third.—That the present time is propitious for the resumption of negotiations to secure these objects, and especially for the concurrence of the nations in the benignant articles of the declaration of the Congress of Paris of the sixteenth of April, eighteen hundred and fifty-six, with the amendment proposed by Mr. Marcy, viz:—1. Privateering is and remains abolished, *provided that* the private property of the subjects or citizens of a belligerent on the high seas shall be exempted from seizure by public armed vessels of the other belligerent, except it be contraband. 2. The neutral flag covers enemy's goods, with the exception of contraband of war. 3. Neutral goods, with the exception of contraband of war, are not liable to capture under the enemy's flag. 4. Blockades, in order to be binding, must be effective.

Fourth.—That the people of the United States entertain the hope that the great maritime powers of France and England, relinquishing their present objections growing out of their ill-advised recognition of our insurgent States as belligerents, will consent to the propositions of the Paris conference, as the United States have so constantly invited, and as Mr. Marcy proposed to the Government of France on the twenty-eighth day of July, eighteen hundred and fifty-six; with such a liberal expansion of them that the private property, not contraband, of citizens and subjects of nations in collision should be exempted from confiscation equally in warfare waged on the land and in warfare waged upon the seas, which are the common highways of the nations.

Fifth.—That the efforts of the late Secretary Marcy and the present Secretary of State to have these maxims ingrafted as fixed principles of international law were eminently wise and just, sanctioned by our traditionary policy, and conducive to the welfare of the Republic, and to the highest interests of peace and civilization.

Sixth.—That, for the accomplishment of this result, it would be both courteous and wise for our Government to consider the proposal of the eminent publicist of France, M. Hautefeuille, for a congress of the maritime powers, which, by uniting in one body the scattered forces of all neutrals, may secure to each the respect and security which they cannot obtain while remaining isolated; and that thus they may be enabled to maintain, as a lasting element of the law of nations, that maritime equilibrium so long sought by the United States of America, and so important to the freedom of commerce and the repose of the world.

On the 11th of April, 1862, I advocated these resolutions. Had our



Government in its intestine conflict followed these doctrines upon the land, it would to-day stand upon a firmer ground of vantage than it now enjoys. It would commend this nation with emphasis to the attention of mankind, as the advocate of liberal laws, applicable to another and less stable element.

Mr. Cox said: These resolutions reassert the American doctrine in favor of neutral rights, and for the protection of private property on the sea. It has been the privilege of this Government, ever since its existence, to champion the equality of rights upon the sea. Against force and tradition, kingcraft and aristocracy, we have asserted by our institutions democracy upon the earth. Against force, tradition, and pretension, we have asserted democracy upon the sea. Not more dear to the American honor is the equality of right among our citizens under the Constitution than is the equality of right of our ships and property under our flag upon the ocean. There is no time unseasonable for its assertion. In the midst of our Revolution it was a theme of interest to our statesmen, and in the present troubles of our country it deserves a prominent place in our thoughts. In a debate in the English House of Commons, on the 17th of March, Mr. Disraeli said that the question of maritime rights was the most important question that could engage the attention of an English legislature, as it affected seriously the naval strength of that country. But for the overwhelming necessity created by the rebellion here, the same might be asserted with even more force with regard to our own Government. Not only is this true, because we are a commercial people—not only because our commerce and our sea-coast surpass those of any other nation—but because the relative strength of our commerce and our navy is such that all our interests lie in following the neutral line of policy, and in the protection of private property from devastation by the large navies of the Old World.

The organs of aristocratic pretension in England, like the "Times," speaking as well for the Government as for the Tory party led by Lord Derby, oppose any further concession to neutrals upon the sea. These organs, while exulting over what they are pleased to term the disgraceful failure of democracy in America, evidenced by our rebellion, condemn with English stubbornness, and in their isolated pride, the humane principles of their own liberalists like Bright, Cobden, Horsefall, and Baring. They affect to regard the anxiety of their commercial class for a better code of maritime law as the suicide of British naval supremacy. They look with jealousy and hate upon the efforts of French statesman like Chevalier, Hautefeuille, Thouvenel, and, I may add, Napoleon, for the freedom of the seas. Indeed, the English Government, judging by the recent debates, are ready to retrograde from their present position taken at the instance of France, at the Paris Conference, in favor of neutral rights. One thing was developed in those debates. England must either creep back to her old selfish policy, or advance to our liberal doctrine. To remain as she is, will, in case of war, give her commerce to neutrals and her cruisers to idleness. With the efforts of France, seconded as they are by all other Powers except England, and perhaps Spain, the United States are in

closest sympathy. My resolutions express that sympathy. They are the answer of our people to the tenders of France.

I would especially commend these resolutions to the study of members who represent commercial cities, both upon the Atlantic and Pacific. They are not without vital interest to the agricultural and mechanical interests, however remote from the coast. My own district has no direct commerce. But,

"Though inland far we be,"

our interest, which is agriculture, is imbound with commerce by golden bands. Commerce does not suffer without all interests suffering. The ship that ploughs its furrows upon the sea is bringing the harvest reward to the husbandman who ploughs the soil in the far-off valleys of the West.

The importance of commerce in civilization cannot be overrated. The interdependence of States is the highest evidence of their true independence. The most flourishing States have attained their highest elevation when closely connected with every part of the civilized world by successful commerce. When they lost their enterprise on the sea, they sank in the scale of nations. Heaven has ordered through the sea a mutual dependence. Soil, climate, and the variety of the earth's productions knit nations in mutual enterprise, while they bind society together in mutual dependence. All the illuminations of knowledge, the generousities of heart, and the multiplied means of human happiness, are the results of commerce. The more free commerce is, the more light, humanity, and happiness the world enjoys. The less restricted that interdependence, the more opulent are the blessings of the civilization it bestows. Let the fetters which war imposes on commerce melt away, and with the reforms already made in the maritime law, we can truly say that in no season or contingency shall civilization retrograde, and the "seas will but join the regions they divide." The liberation of commerce from its trammels has been the work of many ages. Especially has the task of liberating neutral commerce during war, and of defining articles contraband, been the object of many commercial treaties. The navigation laws, defining what are national ships, the mode of registry, their peculiar privileges, and the conditions under which foreign ships shall be allowed to engage in the trade of the country, either as importers or exporters, or as carriers from one part of the country to another, though greatly ameliorated, are still the subject of liberal legislation for further reform. That nation which will guard its commerce and meliorate its restrictions will surely reap the benefits, in the credit, importance, and independence of its citizens and its nationality. It is with this high purpose that the Committee on Foreign Affairs will present before Congress these resolutions.

It is perfectly consistent for a fair mind to sustain these resolutions and still retain the belief that the persons seized on board the Trent were contraband, at least in the English sense of that term; and however we may differ as to the propriety of restoring the persons seized, there can be no difference in asking for a better code in reference to contraband, and a code inspired with a different spirit from that which has dictated the English opinions.

In the remarks which I submitted on the Trent question, I argued that, from an English stand-point, England could not make reclamation, and until she reversed her own authorities she could not in justice complain of the action of Captain Wilkes as illegal. I now turn from the conduct of England, which has settled nothing of principle involved in the questions, to the enlightened action of France and the other Powers of Europe which have shown an interest in the case, as a matter of principle involving neutral rights. I find nothing to condemn, but every thing to commend, in the action of the French Government submitted to the Committee. It was dictated by her traditional friendship for this country. There is no reason to believe that France was moved by any other motive than that expressed by her Minister of Foreign Affairs in his letter of the 3d of December, 1861, in which he says that the desire of France was to prevent a conflict, perhaps imminent, between the two friendly Powers—England and the United States—and to uphold “for the rights of her own flag certain principles essential to the security of neutrals.” There is nothing in this letter incompatible with the sentiments of the French nation toward us, expressed in the despatches of M. Thouvenel to the French Minister at Washington on the 16th of May last. In that letter the French Emperor is represented as anxious to do all in his power toward strengthening and maintaining the American Union. He says :

“The Emperor, indeed, has always held the great qualities of the American people in too high esteem, and has had it too much at heart to draw closer the bonds which unite them to France, to look with indifference upon the calamities which now threaten them. His Majesty desires that the United States should not lose, by any political disintegration, their standing as a great Power, and that they should not abdicate, to the injury of the general interests of civilization and humanity, the position which their rapid and brilliant development has assigned them. Should, therefore, such circumstances arise that the friendly intentions of the Emperor should seem likely to lead to a reconciliation between the States of the South and those of the North, his Majesty would, with the most cordial enthusiasm, contribute to the extent of his influence toward the strengthening or the maintenance of the Union.”

France has made no demonstration of a change of these sentiments from that day to the present. There is nothing in the French minister's despatch on the Trent affair inconsistent with these earnest avowals of friendship. Congress would be insensible to these tenders, did it not commend them to the approbation of the American people.

Not only was there no intermeddling by France in this matter, not only was her tender the index of a cordial amity, but the subject-matter of her despatch—the rights of neutrals upon the sea—was a subject in which she had a common interest with us and with all maritime Powers. It was a subject in which she had, at our suggestion some years since, taken a leading and lively interest. It was a subject the most important before the Paris conferences which closed the Crimean war. It was urged upon her attention during the past summer by our own Government. Her interest in it is only second to that of this Republic. It has been manifested in the enlightened sentiments of her publicists and the diplomatic missives of her ministers.

I purposely pretermit any discussion of the question, whether the seizure of the Trent and the arrest of certain of her passengers was right or wrong. It will serve no purpose now to inquire whether her passen-

gers were contraband, and the act of carrying them hostile. I do not purpose to reopen the controversy whether, if the seizure was right, the delivery of the persons seized was right or wrong. The world is aware that by British precedents, the British Government could not, without disavowing its old policy as to what is contraband of war, make reclamation for the persons seized. Mr. Seward well says, "that he was not tempted at all by suggestions that cases might be found in history where Great Britain refused to yield to other nations, and even to ourselves, claims like that now before us." Perhaps it would have been wiser had the Trent dispute been arbitrated by a friendly Power like that of France. She would, as is now apparent, have settled it by the release of the prisoners seized. In that case, we would have had an authoritative precedent, binding Great Britain for all time, and made in harmony with the liberal maritime policy which it has been the pride of this Republic to urge upon the nations since our existence, and which we have, in the first years of this Government, ingrafted upon treaties with foreign Powers. It would have been full compensation to us for the mortification which was felt, when we yielded these persons to the English demand, had we succeeded in crystallizing into international law that lenient and catholic policy with regard to neutrals, private property, and non-combatants on the seas which has obtained on land, and which, as Mr. Seward well says, is an "old, honored, and cherished American cause, not upon British authorities, but upon principles that constitute a large part of the distinctive policy by which the United States have developed the resources of a continent, and thus becoming a considerable maritime Power, have won the respect and confidence of many nations."

It is doubtless true, that the United States have received from the men of other times and countries those suggestions as to the freedom of the seas and the rights of neutrals of which she has made herself the especial friend and champion. Such doctrines were the natural result of opposition to the extravagant pretensions of great naval Powers. They were the result of natural reason, rebelling against arbitrary force. Nations have at different eras pretended to exclusive control of the sea, especially that part adjacent to their territories. Denmark claimed the Sound and other Baltic passes. Venice espoused the Adriatic. The Portuguese claimed the South Atlantic and the Indian Oceans. Spain once pretended to have exclusively the Gulf of Mexico. The gifted Selden, in his *Mare Clausum*, claimed for England the four seas adjacent to Great Britain. During the war with Napoleon, England claimed municipal rule over the Atlantic, Mediterranean, and the Baltic; and by her orders in council and her acts of Parliament assumed to control the neutral commerce of those seas. Napoleon retaliated. America, through Jefferson, appropriately called these acts "a lawless system of piracy." America held that the sea was the common highway of all; that the only control which one nation had over the sea was the curtilage of soil and jurisdiction seaward a cannon shot or marine league.

This is the principle laid down by the best writers, and it is the doctrine which the United States has, ever since its existence, been endeavoring to ingraft on maritime law. The vessel is the floating territory of the nation under whose flag it sails, and no Power can rightfully question

or curtail its privilege upon the sea. John Quincy Adams, following the principle of Grotius, nay, of the Saviour himself, declared that all belligerent practices in violation of the freedom of the seas rested on force and not on natural right. In 1823, as Secretary of State, he declared to our Minister at Colombia the doctrines of these resolutions. But he was only an humble follower of Benjamin Franklin and his compatriots of the Revolution. In the twelfth article of our treaty with Prussia of 1785, these doctrines are most distinctly set forth. The reasons assigned by Franklin, Adams, and Jefferson for such improvements in public law are not selfish, not exclusive, not national, but coextensive with the interests of humanity. These statesmen hoped to see the day when cultivators of the earth, fishermen, merchants, traders in unarmed ships, artists, mechanics, and all who are not directly engaged in the work of war, should receive immunity from its ravages. They denounced the practice of robbing merchants, either by public or private armed ships, as a remnant of ancient piracy. They wished the calamities of war softened, and hostilities to be made rare by removing the cupidity which prompted them. Washington, in his letter to Count de Rochambeau of July 31, 1786, spoke of this treaty with Prussia as the most liberal which had ever been made, as original, as marking a new era in negotiation, and as tending more fully to produce a general pacification than any measure heretofore attempted by mankind. Henry Clay, as Secretary of State, in his instructions to our Panama commissioners, caught the very genius of these principles, and sought to have them impressed upon the public law of this continent; while later, President Pierce and Secretary Marcy, filled with the generous thought, and with an argument which has no reply, sought to affix them to the laws of the world as the tribute of American statesmanship to the interests of mankind. Indeed, America has scarcely a great name whose fame is not inwoven with this doctrine of free seas. In the time of Madison—one of the most sagacious expounders—we went to war with England for its settlement. Time has done what arms did not and what diplomacy could not do. To-day there is no pretension to search our ships for seamen. The globe we live upon, three-fourths of which is covered with water, no longer tolerates the arbitrary usages of the powerful; but the weakest State as well as the greatest may compass the ends of the world without fear or hindrance. For these improvements in the interchanges of mankind, the world owes a debt of gratitude to the United States.

In the development of this distinctive policy France has ever been a collaborateur with our Republic. Her interests and her inclination have accorded with ours. That so much cannot be said of Great Britain is owing, in part, to our peculiar relations with her, as her own revolutionary child; in part, to her being for so many years of our maritime progress a belligerent, while we were a neutral, and to her chronic fear lest the rising Republic of the West should dispute with her the trident, which she has so long and so powerfully wielded.

Whatever may be our present untoward situation with respect to our domestic conflicts, it is not the policy of this country to change its former relations toward other Powers. Peace has been the history of this nation. However gloomy the war cloud may lower over us, peace will continue

to increase the greatness we have achieved by its blessings. Hence our interest lies, not in clamoring for belligerent, but in the recognition of neutral rights. Tell me not that we may become a belligerent, and then that this yielding of belligerent rights in favor of neutrals will be to our prejudice. I care not if we do become a belligerent with Great Britain, the greatest naval power. So long as we have a larger commerce than hers and a less naval force, our interest even as belligerent with her still lies in the protection of our private property under neutral flags, or in our hostile flag covering the goods of friends. If we can obtain her assent to the Marcy doctrine, that her armed cruisers shall not harm our commerce, we may well agree that our privateers shall not harm hers. In case of the adoption of the Marcy amendment, the worst result to be apprehended by England in case of war with us, is the comparative uselessness of her immense naval force. Her cruisers would be used only to fight our cruisers on the sea, or to blockade our ports. Our commerce would go on; and under the improvements in mailing ships with iron, her blockades would be of little avail, under the guns of our Monitors.

Therefore we would gain, even as belligerents with England or any other Power, were the doctrines I contend for embodied in the code international. But our interests will seldom be those of belligerents; our policy is ever that of peace. Neutrality has enriched us. Our peaceful attitude during the Napoleonic and Crimean wars not only filled the sails of our merchantmen with enterprise, but the coffers of our merchants with money. We are not an aggressive people. Our interests lie alongside of our civilization, and we are to conquer the material wealth of the world by our interchanges and treaties. Whatever, therefore, aids us in this regard should be the aim of our statesmen and the ambition of our people. Happily, France, Prussia, Russia, Austria, Italy, and all the other maritime Powers, unless it be England, have with us, and have expressed to us, an identity of interest and policy; and these are in unison with the interests, honor, progress, and civilization of each and every nation.

It is not unbecoming now for the Representatives of the American people, while the discussion of these maritime questions is rife in both hemispheres, to give its emphatic declaration. Public opinion is one of the sources of international law. By its silent influences treaties are celebrated, congresses of nations are convened, maxims of policy are declared, and usages are inaugurated. Such a declaration is the more becoming now, because our action at the beginning of the present session in approving the seizure of the persons from the Trent is liable to be interpreted against the policy which we have maintained with respect to neutrals. Our diplomacy has ever advocated the most liberal views, while our courts base their decisions on what the rest of Christendom has regarded as the exceptional rules of English admiralty law. We have tried ever since our existence as a nation to change these rules of English origin by negotiation; but our Supreme Court, with the maxim, *stare decisis*, have kept on holding what the law of nations was at the time we were a part of Great Britain, and, as a consequence, our thoughts are far ahead of the law, and our treaties in advance of our jurisprudence.

From France we have abundant evidence that her Government and people agree to the doctrines propounded to them by us in 1856, and em-

bracing with the amendment of Mr. Marcy the Paris declarations of 1856, which she inaugurated. If it were necessary to prove this to the American Congress, I would refer to a letter of the distinguished editor of Wheaton, Hon. W. Beach Lawrence, to whose learned pen I am indebted for many suggestions in this connection. While perusing the papers placed at his disposition by the last Administration, he found:—1. An entire unanimity of sentiment among the minor maritime Powers in favor of the Marcy proposition, as necessary to give effect to the Paris declarations; 2. The adhesion of Russia and Prussia with the most generous cordiality; 3. The assent of Italy, through Count Cavour, to the Marcy amendment. That statesman told our minister at Turin that England was the only obstacle to the adoption of the principle. “She,” he said, “did not wish to render private property free from the devastation of war, while she wished the United States to give up privateering, or, if unable to do that, to render the right valueless, by depriving the United States of the right which they had hitherto enjoyed in neutral ports. 4. The assurance by Count Walewski, in November, 1856, that the French Government would agree to the declaration as modified by us, though the formal assent was deferred, with a view to consultation with the other parties to the Paris declaration; 5. A disposition on the part of English statesmen to consider the question, with a view to certain reservations to be submitted to the Powers called to examine and settle the questions.

But whatever may be the formal alliance of England with France—in Turkey, Mexico, or China—France is our ally in these doctrines. She has ever been faithful to them. She has procured the accession of forty-six Powers to them. The correspondence of this Government with her last summer, shows that she would have been willing to have treated with us on their basis, as enlarged by the proposition of Secretary Marcy. Mr. Dayton was induced to urge the adoption of the Marcy amendment exempting private property from seizure and confiscation, not only, as he says, because it was the wish of the President, and because of the great importance of securing the adoption of the principle before the United States should give up the right of privateering; but also “because the facts patent in the correspondence of the American Legation at Paris in 1856, show that France and Russia were both favorably disposed at that time to the adoption of the principle of the amendment (see Mr. Marcy’s dispatch to Mr. Mason, No. 94, dated October 4, 1856, and Mr. Mason’s confidential letter to Mr. Dallas of December 6, 1856), and from the obvious fact that it would be the interest of all the other Powers having little naval force to concur in the amendment.” (See papers on Foreign Affairs, 1862, p. 210.) So that France, as early as 1856, was ready to accept the Marcy amendment, and but for the clause in the Paris convention, binding each party against further negotiation on the subject without the consent of all the parties, she doubtless would have accomplished her wish then. (See papers on Foreign Affairs, 1862, p. 109.) Her Minister of Foreign Affairs, in his letter of the 3d of December, 1861, most respectfully protests against our falling back upon vexatious practices, against which in other epochs no Power has more earnestly protested than the United States. But, as still more significant, we find that the most distinguished writer on the law of nations in France, or in the world—M.

Hautefeuille—in the *Revue Contemporaine* of February last, enters his most learned and pointed protest against those evils of naval warfare which for “upwards of two hundred years, whenever the nation most powerful at sea has been engaged in hostilities, has inflicted quite as much damage upon neutrals as upon its adversary.” He appeals to France, to us, to the world, to take part in a new coalition of neutrality; which, like that of Russia in 1780, will form an aggregate sufficiently formidable to counterbalance the naval superiority of any belligerents. “The maritime equilibrium, so important for the repose and freedom of the universe, will thus be established. Formed in anticipation of war, it will subsist in time of peace, and become a lasting element in the international relations of civilized peoples.” Contemporaneous with this exposition from France, I observe without much surprise a retrogressive spirit from England. Without surprise, for I have not been unobservant of the fact, that English claims to superiority on the ocean, and her continued status of belligerency, hardly consist with such liberal sentiments as those proposed by France, or even those adopted by herself at the Paris conferences of 1856. It was therefore not surprising that Earl Malmesbury, an ex-Foreign Secretary of England, in a debate brought us by a late steamer, referring to the declaration of the Paris conferences, in relation to the inviolability of an enemy’s goods in neutral ships, said that her Majesty’s Government in time of war would be induced to disregard its obligatory nature. He was asked by Earl Granville to modify this extraordinary language. He only added to its force by a sentiment, which has been too often acted on by England, that a warlike people like the English would not be restrained, in the extremity of war, by a paper declaration made at Paris in 1856! In the same debate, the present Foreign Secretary, Earl Russell, volunteered to say, and I think with more meaning than meets the ear, that he did not quite approve the declaration made at Paris! In a more recent debate, on the 11th ultimo, the member for Liverpool, Mr. Horsfall, offered a resolution, expressing the truth, that the present state of international law, as affecting belligerents and neutrals, is ill-defined and unsatisfactory. He contended that England must retreat from her Paris declaration or advance toward the Marcy amendment. As she stood now, the effect upon England would be to throw the carrying trade wholly into neutral hands, or to diminish her fighting power by diverting a large part of her naval force for convoys. But the Government opposed this movement of commerce. The Attorney-General and Secretary of War disapproved the resolution. Lord Palmerston, concluding the debate, said “that the principle contended for, if carried into practice, would level a fatal blow at the naval power of this country, and would be an act of political suicide.” So that we may not be surprised if England recedes from the Paris declaration. It was not without reluctance that Lord Cowley agreed to the four propositions of that conference looking to the liberation of commerce from the shackles of tradition, barbarism, and the vicissitudes of war. Scarcely had the Paris treaty been celebrated and published before a resolution was offered by Lord Colchester in the House of Lords, declaring “the right of capturing an enemy’s goods on board of neutral vessels to be inherent in all belligerent Powers; the maintenance of this right to be of essential importance, and its abandonment of serious



injury to a power whose main reliance is on her naval superiority," etc. That resolution, though it did not pass, received the votes of over a hundred of her Majesty's most conservative peers.

Since then, the English Government has been ill content with the acquiescence its ambassador gave at the green table of Paris in 1856. When the present Administration of this Government proposed again to accede to the Paris propositions, as the correspondence between Mr. Adams and Earl Russell shows, England utterly rejected the benignant and enlightened policy by which Mr. Marcy proposed to accompany the abolition of privateers, namely: "that the private property of the subjects or citizens of a belligerent on the high seas shall be exempted from seizure by public armed vessels of the other belligerent, except it be contraband." There is, as I have said, no doubt that France, but for her alliance with England, would have accepted this amendment. Mr. Adams, in his letter to Mr. Seward of July 26, 1861, says that he learned from a personal interview with Mr. Dayton "that there was no reason to presume that there was any disinclination in France to adopt the Marcy amendment. Neither did the reply of M. Thouvenel entirely preclude the hope of its ultimate success so far as the disposition of France may be presumed. The obstacles, if any there are, must be inferred to exist elsewhere. There can be no doubt that the opposition to this modification centres here [in London]. Independently of the formal announcement of Lord John Russell to me, that the proposition was declined, I have, from other sources of information, some reason to believe that it springs from the tenacity of a class of influential persons, by their age and general affinities averse to all sudden variations from established ideas."

During the progress of the negotiations at London, it was ascertained that the Marcy amendment was inadmissible. Then our negotiators with much reluctance, at least on the part of Mr. Dayton, consented to the Paris propositions of 1856, pure and simple, including the abolition of privateering, without its proper equivalent, the protection of private property from public armed vessels. I honor Mr. Dayton's reluctance. Such a treaty ought never to be made. It never would have been confirmed by any Senate speaking for the American people—never. But it was tendered without the above valuable equivalent, when lo! the British Government refused even to adopt it unconditionally. It turned out, that her reservation was for the benefit of the insurrectionists in the United States. She was willing to accept the Paris propositions, provided it would not affect any thing "already done." The thing already done by her was the recognition of our insurgent States as belligerents. By her conduct since, in the case of the *Nashville*, and her diplomacy then, she fulfilled the prophecy of Mr. Seward, in his letter of May 21, 1861, to Mr. Adams:

"If she refuse, it can only be because she is willing to become the patron of privateering when aimed at our devastation."—*See papers on Foreign Affairs*, p. 73.

One thing is sure: this Government could not for a moment allow the abolition of privateers, in general, with an exception in favor of a domestic enemy with a belligerent status abroad, without compromising the "legal character of this Government as the exclusive sovereign in

peace and war over all the States and Territories of the Federal Union, and over all citizens, disloyal and loyal alike." So that our attempts to reform the usages of maritime law in the interests of commerce, were met in a spirit hostile to the liberal views of France; and hostile to the progressive character of the age. The unrelenting rigidity of British policy upon the sea, which it was hoped had been tempered with a higher civilization by her contact with the continental Powers at Paris in 1856, was again triumphant, to our discomfiture. Negotiations on the subject were suspended by the action of Great Britain. The Paris plenipotentiaries, on the 16th of April, 1856, undertook to settle the deplorable disputes arising out of the uncertainty of the law of neutrals and belligerents. They had seen the conflicts arising from differences of opinion as to the duties of neutrals and belligerents. They desired uniformity. To this end they adopted the declaration: 1. That privateering remains abolished. 2. The neutral flag covers enemy's goods, with the exception of contraband of war. 3. Neutral goods, with the exception of contraband of war, are not liable to capture under the enemy's flag. 4. Blockades, in order to be binding, must be effective. The plenipotentiaries anticipated for these maxims the gratitude of the world. Nearly fifty Powers have adopted them. The United States offered to accede to them with the most beneficial expansion; and again to accede to them pure and simple, which, in my judgment, was a most questionable and ill-advised policy.

So much for the history of negotiations on this subject. What now of the future of these questions? All history shows that treaties exist no longer than there is a power to enforce them. It is only by an alliance for neutrality, such as M. Hautesenille proposes, that we can constrain England to respect the general law of nations, to which she is already a party, when that law is counter to her interests, traditions, and naval glory and supremacy. If England should make unjust pretensions with reference to the rights of belligerents, such a congress could settle the matter with authority. It is well agreed among the wisest of mankind now what the rules of international jurisprudence should be on these subjects. It is our duty to make them as they ought to be.

There are other questions as to neutral rights yet to be acted upon. Not only ought it to be settled now, that private property shall be respected on sea as on land; but if contraband is excepted from the inviolability of the neutral flag and cargo, it ought to be fixed what is and what is not contraband; whether dispatches or persons are included in contraband—if persons, what and who? whether confined to military, or extended to civil and diplomatic, or *quasi* diplomatic persons? Here is the pivotal point in these questions. They are insoluble, unless we know what contraband means. I would call attention to the last resolution, with reference to the meaning of contraband. It was the suggestion of the distinguished chairman of the Committee on Foreign Affairs, the gentleman from Kentucky [Mr. CRITTENDEN], who now honors me with his attention. It expresses the hope that the Powers of the world will define with exactitude the meaning of contraband, with a view to the least restriction on trade. Had this been done before, the Trent difficulty never would have occurred. That question, in a nutshell, was whether contra-

band embraced hostile ambassadors. According to the English definition, contraband means whatever will aid the enemy. Hence the term is indefinite and elastic. To settle its meaning would be of great utility. It means gunpowder, it may mean coal. It means shot and shell, it may mean provisions. It means saltpetre, it may mean despatches. It means military men, it may mean ambassadors. It may mean any thing a belligerent who has the power may determine. McCulloch, in his Dictionary, page 881, in referring to this subject with his English inclinations against liberal views, says :

"In judging of the wisdom of this concession, every thing depends on the interpretation of the phrase 'contraband of war.' If it were restricted, as has usually been the case, to warlike stores (*munitions de guerre*), or articles directly available for warlike purposes, it would be in many respects justly censurable. For it is plain, that under the limitation now supposed, the trade of a belligerent Power with its colonies, or other countries beyond sea, might be prosecuted in neutral ships nearly to the same extent and with as much security during war as during peace. But it is not easy to imagine that a principle having such consequences should be acted upon by any Power having a preponderating naval force, in the event of her engaging in hostilities. Such Power must then do one of two things : she must either consent to relinquish some of the most important advantages to be derived from her naval ascendancy, or she must reject the principle in question. And there is little doubt that she would adopt the latter alternative; and she might do this directly by resorting to her natural and indefeasible right to seize enemy's goods wherever they are to be met with; or indirectly, by extending the list of contraband articles, so as to make it include all those of any importance carried by sea into or from the enemy's ports. Either way would answer the purpose; and we may be pretty well assured that, under the supposed circumstances, one or other of them would be followed."

Again, he says :

"Considered in this, its true light, the term 'contraband of war' becomes of the highest importance; and there are but few products which may not be fairly brought, at one period or another, within the list of contraband articles. Thus, supposing that we had the misfortune to be engaged in a contest with a single Power, or a combination of Powers, which had means to intercept, cut off, or materially obstruct our supplies of corn, cotton, and tea, can any one doubt that our enemies would be justified, or that they would hesitate in availing themselves of so powerful a means of annoyance? Neutrals might protest against such a proceeding, on the ground that the articles referred to had not hitherto been reckoned contraband of war, and they might also allege that their trade would be seriously prejudiced by so unusual and so illegal a proceeding. But these representations, supposing them to be made, would not go for much. Our enemies would say, that in defining contraband of war every thing depended on circumstances; and that as the want of the articles referred to would lay us under very considerable difficulties, they were from that very circumstance properly included in the prohibited list."

One of the chief objects of negotiation ought to be to give as much precision as possible to the meaning of the word "contraband," that trade may have as few fetters as possible. The settlement ought to be so solemn that it would be out of the power of any one of the parties to it, however strong in its navy, to pursue, when a belligerent, a practice opposite to its professions in time of peace.

Treaties have been made embodying the maxim of "free ships, free goods," as early as 1604, by France with the Sublime Porte. Some of the Christian powers of Europe adopted the same in 1716. (Wheaton's Law of Nations, p. 315.) But they were the mere cobwebs of peace, and the rough hand of war brushed them away. Never till the United States began to obtain exemption from searches and seizures, practised

upon the neutral flag and cargo—as in 1778 from France, and in 1780 from Russia—was there any considerable progress made against the arrogant belligerency of that high constable of the seas, Great Britain. Now, we have the opportunity of securing the fruits of our long urgency. If we are now successful, commerce will be enfranchised, and our nation will, with its extensive and extending tonnage, take its place at the head of the commercial world. New York will inevitably become what London is, what Amsterdam and Venice were—*universi orbis terrarum emporium*.

The present time is auspicious for such action by our nation. France invites; Russia, Austria, Italy, and Prussia are anxious to meet us. All the Powers are moving upward to the high level of our own Republic with regard to maritime rights. Even England may forego, under the pressure of a congress of nations, her barbaric code, laggard notions, isolated pride, and naval supremacy, to join in the exalted labors so eloquently suggested by the French publicist. We must not forget to do England justice. She has progressed. Reluctant as are her public men to give up her old policy, even England, through her enterprising merchants, is making strides toward a better condition. We would fain hope that her protest in the Trent affair means something more than wounded pride at the affront to her flag. We hope it means an inclination toward a regard for neutral rights, yet in embryo, in her policy, but to gain a full stature under the liberal influences of the age. We can hardly recognize in the England of to-day that Power which for one hundred and fifty years, while supreme on the ocean and while at war, made the position of a neutral more precarious than that of an enemy. The England of to-day, which does not pretend to revive her claim to search for English seamen on American vessels, but to revive which is considered by one of her authors as impolitic and unjust, so late as 1818, through Lord Castlereagh to Mr. Rush, and in 1842, through Lord Ashburton to Mr. Webster, insisted on these barbarous and hateful rules of maritime law. This is progress. The England which, on the 30th of November last, through Earl Russell, protested that certain individuals had been forcibly taken by an American ship of war from on board a British vessel, "*the ship of a neutral Power*, while such vessel was pursuing a lawful and innocent voyage; an act of violence which was an affront to the British flag and a violation of international law," is very unlike that England—as she is described by one of her economists—whose mode of carrying out the British claim to search and seize the property of an enemy wherever found, was so vexatious, overbearing, and insolent, that the vessels of neutrals were driven from their course, detained for hours, losing fair winds and fine opportunities, and their captains and crews often seized and always insulted; the arbitrary officers of whose men-of-war, with unlimited and arbitrary power, did not treat their own crews or their own merchant ships with forbearance and humanity; who despised all foreigners, particularly the Americans, often treating them with rudeness and arrogance, utterly careless of causing them unnecessary delay. Here again is conspicuous reform! The England of to-day, with her Oxford professorship of international law and her increasing regard for the rights of others, is very unlike that England whose prize court decisions from 1793 to 1815

strained every belligerent right to the uttermost and imposed prohibition on prohibition upon neutrals, until "neutrality itself was prohibited." Still another stride! The England which now protests against stone blockades and the spoliation of harbors, hardly seems like the England in Napoleonic times, when she set us the example in a foreign harbor which we have chosen to follow in our own. This is another step forward. The England which now demands an effective blockade, "maintained by a force sufficient really to prevent access to the coast of the enemy," and which inquires carefully in her Parliament as to the number and tonnage of the vessels which are alleged to have run the blockade instituted by ourselves of our own harbors, is hardly the England which pretended that the whole of the seaboard of France was blockaded in consequence of her paper proclamation and of its geographical position with respect to the English coasts. Here is an immense stride! The England of to-day, which disputes as to the efficiency of our blockade, with cotton at fivepence in New Orleans and twelvence in Liverpool, is not the England of a half century ago, when by her pretences of "prevention and pursuit," she made her cruisers on one side of the world the avengers of a broken paper blockade of the coasts on the other side! England to-day tardily yields to the Paris propositions—still she yields—but how unlike that England the belligerent, when, as Hautefeuille says, "she persecuted and destroyed neutral navies to preserve that naval power which, by the special favor of Providence, she derived from the valor of her people (Order in Council of 19th November, 1787), a power which she declared essential for the happiness and independence of mankind!" How unlike that England of 1787, is this England of 1854, when the Crimean war began, and when she renounced her right to seize hostile goods under neutral flags, and allowed reasonable time for Russian vessels lying in English ports to clear out, and even refused letters of marque to her privateers! These late deviations from old English practice are both politic and merciful. The material and mercantile advantages which France and the United States perceive from such a policy would accrue to England in far greater measure than by claiming technical rights, decided by her admiralty courts or codified in her own *lex gentium*. Her ancient practice was dictated by her desire to vindicate her maritime greatness, and crush the aspirations of naval competitors. It agreed with the formalized traditions of venerable tribunals sanctioning the harsh customs of war, and inconsistent with fair play upon the seas. To sustain this practice, she reasoned thus: A hostile vessel, with neutral goods, rivalled her in the carrying trade. It was taking from nations, while neutral, *pro tanto* certain profits, a proportion of which would eventually swell the resources of the enemy with whom she was at war. That must be stopped. Again: a neutral ship, carrying hostile goods, likewise encouraged the commerce, extended the relations, and indirectly augmented the wealth of the foe. That, too, must be stopped. So in either case the enemy was benefited by the impunity and damnified by the stoppage of such traffic. Her public opinion sanctified any way, direct or indirect, to cripple an enemy to England. Thus millions of confiscated commerce fell beneath her rapacious greed. Opinion and practice have changed, and England has changed with them in a large measure. But there is room for still greater reform on her

part, to say nothing of the danger of her relapse, before indicated. Public opinion and practice have changed, because the relative commerce of the world has changed during the long intervals of peace in Europe and America. France has now a navy nearly equal to that of England. She is no longer the timid Power upon the sea which Nelson shattered, and which Napoleon lamented. The commercial marine of this country has advanced more than fivefold since the Revolution, and from three-quarters of a million of tonnage at the close of the late war of 1812 to five and a half millions of tonnage at the present time; and of that marine a large part has, by recent events, been inspired with the genius of steam, is being clad in armor of iron, and its total tonnage exceeds by five hundred thousand tons that of our great English rival. It is the very height of unwisdom for English laggards to rummage from old treatises on international law, from the proud-mouthed speeches uttered in Parliament about Britannia and the waves, and from decisions of her admiralty courts, an obsolete claim to make herself the buccaneer or Algerine of the seas—the nuisance and terror of the ocean. England should rather consult the wisdom of her best statesmen, who, like Earl Grey in 1856, declared that, by the mere increase of sea-going ships, the right of search after the property of belligerents embarked on neutrals had become an utter impracticability, and all that was ever written by the publicists of every nation cannot make it practicable. He warned his nation then, that if she claimed for herself the right, she must allow the same right to be exercised against her; and as if foreseeing the Trent case, he said:

“How would British shipowners submit to the exercise of such a right if this country [England] should be placed in the position of a neutral? How would they endure it, that vessels from New York or New Orleans, laden with cotton, which our manufacturers were anxiously expecting, should be stopped by French cruisers, in case France and the United States were at war, and conveyed to French ports, while the French courts inquired whether the cargoes were the property of Americans or of Englishmen?”

While, therefore, we are becoming, by the pressure of domestic rebellion, more able to take care of our interests at sea, with the aid of gunboats and steamers and a marine of armed cruisers and privateers, ever ready, so long as private property is not made inviolable to the public cruisers of an enemy, England has lowered her tone and altered her policy to conform to the changed relations which her navy bears to the rest of the world. Therefore no time was ever more auspicious for the assemblage of the maritime Powers, to create, in 1862, a neutral coalition like those of 1669 and 1780, “which, by uniting in one body all the scattered forces of all neutrals, will secure to each the respect and security which they cannot obtain while remaining isolated.” Now is the favorable time from which to date a new epoch in international law, of which the distinguishing feature shall be, *a respect for property*. I would carry it so far as to respect all the property of an enemy not actually employed as contraband, and even to soften the rigor of those rules which make contraband as elastic in definition as the strength which defines it is powerful. Now is the time to fix the rules of blockade beyond cavil—I mean blockade international. I do not regard the blockade of our own ports as international. It is a municipal regulation to put down a rebellion, as to which other nations are not to be consulted, and over which, as it is a

domestic question, they have no control. The world may not now, but soon will be, ready to exempt all unfortified coasts and cities from blockade, and all private property, by land and sea, from capture, except when used to aid the war. This would be a corollary from the proposition to give immunity to private property, by limiting the war to an armed duello of nations. Now is the time to stop powerful navies from irritating searches of neutral vessels on the sea, and from conveying such vessels and the property therein belonging to the subjects of States belligerent to distant ports for confiscation. Now is the time to give vigor to the maxims of Mr. Webster, of August 8, 1842, that the entry into the vessel of a neutral by a belligerent is like the entry into its territory, is an act of force, and is, *prima facie*, a wrong, a trespass, which can only be justified where done for some purpose allowed to form a sufficient justification by the law of nations, whose sphere is the ocean, and under the sanction of which law any merchant vessel on the seas is under the protection of her own nation. Now is the time to give practical development to the great American doctrine, not by adopting the Paris declarations, unless as a preliminary step toward a complete reform of the maritime law, whose effect will free the seas from the whirlwinds and maelstroms of war, and place in 'the hands of commerce the palm and the olive—victory and peace!

The surrender of the insurgent ambassadors to the demand of a neutral Power is of little moment, if it be the occasion for a settlement of the law in favor of neutral rights. This country would, in one sense, be repaid for the terrible trials of its present domestic conflict, if out of it arises such a policy as will free the millions which are every day embarked upon the main from the atrocities of war. If the extent to which it is legitimate to injure an enemy in time of war, by land and sea, shall be defined in the interest of humanity through our exertions, how magnificent will be our reward! Millions yet unborn shall bless America! God will smile upon us with signal benignity!

One of the topics cognate to that of neutral rights—indeed, the principle lying at its root—is the amelioration of war by giving to it such laws as will smooth its wrinkled front. For this purpose a great and Christian nation, either in a congress of nations, or in its domestic councils, might well inquire: First, whether, if war come, it is not desirable to make it as short as possible; secondly, how to make it short; thirdly, whether its injuries to non-combatants, of whatever trade, age, condition, and sex, tend to its brevity? The result of such inquiries would show to the dispassionate nations that wars are not shortened, but prolonged, by rapine, cruelty, pillage, and revenge. Such is the history of the savage tribes, and of the middle ages. I heartily agree with the conclusions of the gentleman from Massachusetts [Mr. THOMAS] who has just spoken, and who very happily reached the same conclusions to which my own thoughts tend, with reference to the rules of war upon the land with respect to private property. All the history of mankind shows that a war wherein towns are sacked, property confiscated, villages burned, fields laid waste, the inhabitants treated with contumely, penalties, insults, and barbarities, does not hurry, but procrastinates peace. By such means the object of the war, which is peace, is frustrated. Atrocities are

the seeds of future strife. They stimulate conflict and perpetuate hate. Every such contest is sure to be renewed when the two antagonists recover from their exhaustion. This reasoning seems to have been adopted with regard to warfare upon the land by all the moralists of our time. If true for the land, why not for the sea?

Again: war is now an affair of Government, not of individuals. No man can now go to war unless he becomes a part of the official organization of his Government. Hence, no spoliation of the effects of non-combatants, and no appropriation of individual property without compensation, should be allowed. Why not adopt this doctrine upon the sea, both with regard to public and private armed vessels? Reforms are being made in this connection by the silent progress of opinion and the adjudications of the courts. Until recently the theory and practice were, that war dissolved contracts between individuals. Private property of enemies found in the country at the commencement of hostilities was confiscated. But even an English judge, Lord Ellenborough, declared that the Danish act which confiscated private debts was illegal. (6 Maule & Selwyn, p. 92.) And the great Powers of Europe at the commencement of the Crimean war provided against the spoliation of enemies' property found in their ports at the breaking out of hostilities. The object of reform in this matter is to separate private citizens, and especially the producing classes, from those whose business it is to carry on the war; and to exempt the former as much as possible from the consequences of war. This was the declared object of the American statesmen, Franklin, Washington, Jefferson, Hamilton, Quincy Adams, Clay, and Marcy, in the action taken by them on the occasions to which I have referred. What is now wanted is the formalization of these doctrines by a congress of the maritime Powers.

This brings me to the question of privateers. The committee do not favor their abolition, except it be accompanied with such a reform, like that proposed by Mr. Marcy, as will obviate the necessity for their use by a nation like ours with a large commerce and a small navy. Privateering may be a denationalization of the contest for private gain, but public spoliation of private property is none the less detestable. Both inflict great injury upon one nation, without corresponding benefit to the other. In our time, steam has greatly alleviated the injuries caused by privateering. Even that smart craft, the *Sumter*, is but an accident and an exception. The United States has been willing to abolish privateering, on the principle that private property of unoffending non-combatants, though enemies, should be exempt from the ravages of war. This principle must be adopted as a principle. Unless it be adopted as a principle, there is nothing gained, but much disadvantage, inequality, and loss. If you disallow privateers to prey on private property, and allow public vessels of war to do it, what principle is gained? The principle involved is the protection of property, not the mode of its destruction. If you are to except property from seizure by private armed vessels, and allow public cruisers to do the same thing, you might as well say that steam vessels should be allowed to prey on private property, but sailing vessels ought to be forbidden. Indeed, it is far more wrongful to allow public than private vessels to commit such devastation. The American prin-



ciple must be adopted, otherwise the surrender of privateering is only a partial alleviation of the injuries to private property on the sea. So long as private property can be seized or molested by public armed cruisers, it enjoys no immunity; it might as well be at the mercy of privateers. Says Mr. Marcy :

"If such property is to remain exposed to seizure by ships belonging to the navy of the adverse party, it is extremely difficult to perceive why it should not, in like manner, be exposed to seizure by privateers, which are, in fact, but another branch of the public force of the nation commissioning them. If it be urged that a participation in the prizes is calculated to stimulate cupidity, that, as a peculiar objection, is removed by the fact that the same passion is addressed by the distribution of prize money among the officers and ships of a regular navy."

Therefore, Mr. Marcy was in favor of relying upon our mercantile marine to protect our commerce, until private property received full immunity from public armed vessels as well as privateers. He apprehended that, if privateers were abandoned, the dominion over the seas would be surrendered to those Powers which adopt the policy and which have the means of keeping up large navies. That Power which has a decided naval superiority would be potentially the mistress of the ocean. Hence England refused Mr. Marcy's proposition. Hence France, Austria, Prussia, Russia, Italy, and other maritime Powers would accept it. For, if privateers were abolished and private property were respected by both public and private armed ships, the dominion of the ocean would be given up to the pursuits of peace, nations would find it for their interest to keep but a small navy, and the calamities of war would be confined to belligerents themselves, while neutrals would pursue their ordinary trade prosperously and unmolested. In that event, it would be seen that it is neither desirable, dignified, nor effective to injure the unoffending merchant, and that liberal concessions to neutral flags and neutral cargoes would be an advantage to the State granting them as well as to the State with which it was at war. Then it would be seen, too, that it is neither chivalric nor Christian to involve individuals in the horrors of a war in which they took no part, either in its origin or prosecution.

I do not despair of bringing England into the alliance for neutral rights, at least so far as privateering is concerned. She would abolish it to-morrow, so far as the United States are concerned, but she is loth to give up her immense navy, which is our equivalent for the abolition. She has a lively recollection, recently refreshed by Mr. Bright, of what our privateers did for her commerce in our late war. In 1814, her tonnage was three million five hundred thousand tons, and her exports were £40,000,000, and her imports the same; and during the two years of that war our privateers took twenty-five hundred of her ships, worth £21,000,000, or \$107,000,000. Now, with a tonnage four times as great, between twelve and thirteen millions of tons, with imports and exports upwards of £120,000,000, and with the American marine increased even more, what might not England suffer from our militia of the sea? Do you not think that, in fear of the renewal of such consequences, she will be anxious to make us her belligerent, or that, if thus anxious, she will not agree to relieve private property from capture by public as well as private cruisers?

If on land we apply these principles to private property, why should

we not further limit the consequences of war by lessening the objects of its attack; in other words, by narrowing the arena of strife upon the sea as well as upon the land; by making war a duel between combatants and not a devastation of neutrals? If we narrow the theatre of war on land to the camp and beleaguered fort or city, why on the water should it not be narrowed to the ocean armament and the blockaded port or assailed fort? If upon land we do not infest the tranquil home with violence, and if the graces of art and the libraries of knowledge are free from the spoiler, why destroy the peaceful occupations of commerce on the sea in the hot passions of war? Why place in jeopardy the immense trading interests of nations? Why expend immense sums in insuring cargoes from the "king's enemies"? Why place before the cupidity of men or nations the golden freightage of California and Australia, and the steamers and packets which connect Europe with America, and both with the Orient? Why offer up to a worse than heathen fury the peaceful craft which, at great peril, supply our daily wants, and waft to us the teas and spices, sugars and silks, of the world? Why arouse the ardors of war in despoiling neutral commerce under suspicions of hostility? Why not forever banish from that common of the world—the free sea—the prying, avaricious, and revengeful belligerent, whether he sail under a letter of marque or a legal commission as a public cruiser? Why compel the neutral to arm, or what is worse, to profit slyly by the restrictions of war and the chances of immunity? Why embroil the commerce of mankind with the difficulties and dangers of a quarrel between two monarchs, or a punctilio between two ministers, resulting in war, and a war too which would inflame other nations in a general conflagration? Why not imitate the benign example of Providence, by ruling the raging of the seas; or the more beautiful example of the Saviour, who said to the tempestuous waves, "*Peace, be still!*" How eminently desirable, therefore, it is to prevent such calamities by fixed and authoritative rules of international conduct! How desirable for belligerents! How much more so for neutrals! Such reforms as I have indicated must be the product of public opinion. In this age, the empire of opinion is only divided by the reign of that universal conscience which is informed and inspired by its teachings. When these influences rule in the cabinets and councils of nations, we may hail their supremacy as the "*instauratio magna*" of juridical reason in the world of nations. For the purpose of contributing to that opinion and conscience, which is the source of the law of nations, and of expressing the judgment of the American Congress and people, the Committee will report back the resolutions last referred to them, with an amendment, thanking the other Powers besides France, for their liberal sympathy in behalf of neutral rights. I trust that the American Congress will adopt them, and thus vindicate and elevate into its proper place the great American doctrine, which would enfranchise commerce, guarantee peace, and give an impulse to civilization.

## IV.

### SECESSION.

SECESSION REFUTED AND DENOUNCED—PLEA FOR COMPROMISE—WARNINGS  
TO NORTH AND SOUTH—WAR AND ITS CONSEQUENCES PREDICTED—THE  
MISSISSIPPI RIVER—APPEAL FOR NATIONALITY.

THIS speech was delivered in the midst of the excitement of actual secession. It was a difficult duty for a Representative, who stood between the extremes and appealed to them for moderation, to reach a class of men whose characteristics were immoderation and violence. Anxious to keep the peace and avert war, and at the same time unyielding as to the Union, I was compelled to weigh carefully each word, lest what was intended for oil on the waters, might be oil on the flames. This speech was delivered January 6, 1861.

Mr. CHAIRMAN: I speak from and for the capital of the greatest of the States of the great West. That potential section is beginning to be appalled at the colossal strides of revolution. It has immense interests at stake in this Union, as well from its position as its power and patriotism. We have had infidelity to the Union before, but never in such a fearful shape. We had it in the East during the late war with England. Even so late as the admission of Texas, Massachusetts resolved herself out of the Union. That resolution has never been repealed; and one would infer, from much of her conduct, that she did not regard herself as bound by our covenant. Since 1856, in the North, we have had infidelity to the Union, more by insidious infractions of the Constitution, than by open rebellion. Now, sir, as a consequence, in part, of these very infractions, we have rebellion itself, open and daring, in terrific proportions, with dangers so formidable as to seem almost remediless.

From the time I took my seat this session, I have acted and voted in every way to remove the causes of discontent and to stop the progress of revolution. At the threshold, I voted to raise the committee from each State; and I voted against excusing the members who sought to withdraw from it, because I believed then that such a committee, patriotically constituted, had in it much of hope and safety; and because, to excuse members from

serving on it, upon the ground of secession, was to recognize the heresy. I am ready to vote now for any salutary measure which will bring peace and preserve the Union. Herodotus relates that when Mardonius was encamped in Bœotia, before the battle of Plataea, he and fifty of his officers were invited to meet the same number of Thebans at a banquet, at which they reclined in pairs, a Persian and a Theban upon each couch. During the entertainment one of the Persians, with many tears, predicted to his Theban companion the speedy and utter destruction of the invading army, and when asked why he used no influence with Mardonius to avert it, he answered :

“ When one would give faithful counsel, nobody is willing to believe him. Although many of us Persians are aware of the end we are coming to, we still go on, because we are bound to our destiny; and this is the very bitterest of a man's griefs, to see clearly, but to have no power to do any thing at all.”

I believe, sir, that the events now transpiring are big with disaster to my country. I have done my humble part for years to prevent them; but I do not see now that any effort on my part can avail; and this is the bitterest of a man's grief. It is in such a peril as this that the heart spontaneously prays for a nearer communication with a divine prescience. We long for some direction from a superior power, in whose great mind the end is seen from the beginning. At least, one might wish for some magic mirror of Merlin, in which to see the foes of our country approach, so as rightly to guard against them.

Four States have, in so far as they could by their own act, separated from our Federal Union. This is one of the stern facts which this Congress has to encounter. The Government is passing through one of those historic epochs incident to all nationalities. Our prosperity has made us proud, rich, intolerant, and self-sufficient; and therefore prone to be rebellious. We have waxed fat—are doing well, “ tempestuously well.” Ascending to the height of national glory, through national unity, we are in danger of falling by our own dizziness. We are called upon to break down and thrust aside the very means of our ascent—the Constitution itself.

In such a time, the bitter crimination and vain threats of party and of sections are out of place. They should not turn the people of the North from doing their whole duty to the South; nor the South from a more deliberate review of its past, and a more prudential view of its perilous future. No man has the right to say or do aught that will further exasperate the public sentiment of the South. No good man in the North can oppose any measure of honorable recession from wrong. I cannot speak of South Carolina in the tone and temper of some. She has been a part of our national life. Her blood is in our veins; her Marions, Sumters, and Pinckneys are ours. Eutaw, Cowpens, and Camden; are they not a part of that glory, which can no more be separated from the Union than the dawn from the sun! Whatever may be our indignation against her, or our duty to ourselves, let us remember that public sentiment is not to be reached by threat or denunciation. Our Government depends for its execution on public sentiment. To that sentiment alone, in its calmer mood, are we to look for a restoration of a better feeling. When that feeling comes, it will be hailed like the sea-bird which visited

the sea-tossed caravel of Columbus—as the harbinger of a firm-set footing beyond. Other facts of a similar perilous character will soon transpire. Georgia, Texas, and Louisiana will assuredly follow the erratic course of South Carolina. This fact must soon be encountered. South Carolina has been singing her Marseillaise, and the waves of the Gulf make accordant music in the revolutionary anthem. It but echoes the abolitionism of the North and West; for scarcely had the song died away on the shores of Lake Erie, before South Carolina took it up with a wilder chorus! Extremes thus meet. Extremes north have aided, if not conspired with, extremes south, in the work of disintegration.

That work will go on. I know that we are very slow to believe in any sign of dissolution. We have faith in our luck. We have trust in a certain inventive faculty, which has never yet failed us, either in mechanical or political expedients. Our politics are plastic to emergencies. Still I must warn the people that it is the well-grounded fear, almost the foregone conclusion of the patriotic statesmen here, that the work of breaking up will go on, until the entire South shall be arrayed against the entire North.

In view of these facts, I will discuss these propositions: 1. That secession is not a right in any possible relation in which it can be viewed; to tolerate it in theory or practice is moral treason to patriotism and good government. 2. That while it may not involve such direful consequences as other revolutions, still it is revolution. 3. That every effort of conciliation should be exhausted to check it, before force is applied. 4. That if the North does not do her part fully in recession from aggression, it will be impossible to unite the northern people, or any portion of the southern people, in repressing secession. 5. That if the South will make a patient endeavor, equal to the great occasion, to secure her rights in the Union, I believe that she will succeed; *and if she is then repulsed*, it will be impossible for her to receive any detriment from the North; but she will depart in peace. 6. If she go inconsiderately, as some States are going, the country may incur the fearful hazard of war. 7. If the South press the one hard overmastering question upon the North, and follow it up with seizure of forts and revenue, cannonading of our vessels, and other aggressive acts, without giving an opportunity for conciliation, there will be no power in the conservatism of the North to restrain the people. No sacrifice will be considered too great to make in the protection and defence of the Union. 8. That, in the present state of facts, so long as the revenues can be collected on land or sea, and the forts and harbors can be commanded by the Federal Government, that Government must be, as to these matters, the Government *de facto*, as well as *de jure*; and that so long as this *status* can be maintained by the Executive, it should be done by all the legal forces of the Government.

I would not exaggerate the fearful consequences of dissolution. It is the breaking up of a Federative Union; but it is not like the breaking up of society. It is not anarchy. A link may fall from the chain, and the link may still be perfect, though the chain have lost its length and its strength. In the uniformity of commercial regulations, in matters of war and peace, postal arrangements, foreign relations, coinage, copyrights, tariff, and other Federal and national affairs, this great Government may

be broken; but in most of the essential liberties and rights which Government is the agent to establish and protect, the seceding State has no revolution, and the remaining States can have none. This arises from that refinement of our polity which makes the States the basis of our instituted order. Greece was broken by the Persian power; but her municipal institutions remained. Hungary has lost her national crown; but her home institutions remain. South Carolina may preserve her constituted domestic authority; but she must be content to glimmer obscurely remote, rather than shine and revolve in a constellated band. She even goes out by the ordinance of a so-called sovereign convention, content to lose, by her isolation, that youthful, vehement, exultant, progressive life, which is our NATIONALITY! She foregoes the hopes, the boasts, the flags, the music, all the emotions, all the traits, and all the energies, which, when combined in our United States, have won our victories in war and our miracles of national advancement. Her Governor, Colonel Pickens, in his inaugural, regretfully "looks back upon the inheritance South Carolina had in the common glories and triumphant power of this wonderful Confederacy, and fails to find language to express the feelings of the human heart as he turns from the contemplation." The ties of brotherhood, interests, lineage, and history, are all to be severed. No longer are we to salute a South Carolinian with the "*idem sententiam de republica*," which makes unity and nationality. What a *prestige* and glory are here dimmed and lost in the contaminated reason of man!

Can we realize it? Is it a masquerade, to last for a night, or a reality to be managed with rough, passionate handling? It is sad and bad enough; but let us not overtax our anxieties about it as yet. It is not the sanguinary regimen of the French revolution; not the rule of assignats and guillotine; not the cry of "*Vivent les Rouges! A mort les gendarmes!*" but as yet, I hope I may say, the peaceful attempt to withdraw from the burdens and benefits of the Republic. Thua it is unlike every other revolution. Still it is revolution. It may, according as it is managed, involve consequences more terrific than any revolution since government began.

If the Federal Government is to be maintained, its strength must not be frittered away by conceding the theory of secession. To concede secession as a right, is to make its pathway one of roses, and not of thorns. I would not make its pathway so easy. If the Government has any strength for its own preservation, the people demand it should be put forth in its civil and moral forces. Dealing, however, with a sensitive public sentiment, in which this strength reposes, it must not be rudely exercised. It should be the iron hand in a glove of velvet. Firmness should be allied with kindness. Power should assert its own prerogative, but in the name of law and love. If these elements are not thus blended in our policy, as the Executive purposes, our Government will prove either a garment of shreds or a coat of mail. We want neither.

Our forts have been seized; our property taken; our flag torn down; our laws defied; our jurisdiction denied; and, that worst phase of revolution, our ship sent under our flag to the relief of a soldier doing his duty, fired upon and refused an entrance at one of our own harbors. Would that were all! The President informs us, in his last message, that—

"In States which have not seceded, the forts, arsenals, and magazines of the United States have been seized. This is far the most serious step which has been taken since the commencement of the troubles. This public property has long been left without garrisons and troops for its protection, because no person doubted its security under the flag of the country in all the States of the Union. Besides, our small army has scarcely been sufficient to guard our remote frontiers against the Indian incursions. The seizure of this property, from all appearances, has been *purely aggressive*, and not in resistance to any attempt to coerce a State or States to remain in the Union."

All that the President has done is defensive; all that he has resisted has been aggression. He proposes no aggression; nor would I favor it. He would maintain the laws and protect property; what else can he do?

These facts have to be met—how? By the conquest of all the people of a State? By the declaration and waging of war? I answer, by the enforcement of the laws and the protection of our property in a constitutional manner. This is the answer I have already voted in this House, in voting for the resolution of the gentleman from New Jersey. But it is asked, how will you enforce the laws and keep forts and property, without war? I will answer: First, repeal here every law making ports of entry at the recusant cities or towns; and thus avoid as much trouble as possible. That is in our power. Second, libel and confiscate in admiralty every vessel which leaves such ports without the Federal clearance. Third, collect the revenue and preserve the property, and only use such force as will maintain the defensive. But again it is asked, is not this coercion against a Government *de facto*, established by the consent of all the people of a State under an assumed legal right? I answer, South Carolina is not *de facto* the Government as to these Federal matters, so long as the Federal Government can hold her harbors, shut in her ships, and collect the revenue. Who can deny that proposition? But still it is asked, will not the use of force in executing the laws, and preserving our property, result in civil war? Is there any practical difference between the enforcement of law when resisted by so large an aggressive power, and the actual state of war? Here is the Sphinx of our present anomalous situation. I do not choose now to say what I will do, in case a certain result follows the performance of the present duty. It is enough for me now to do that duty of the present. But that judgment which makes no discrimination between the enforcement of the laws and defence of property, and the actual state of war, must be palsied by undue fear of consequences. There is nothing more plainly distinguished by precedent and in experience, than the difference between the civil authority and the war-making power. True, the military arm may be invoked to aid the civil authority, but it must be subordinate to it in many most essential particulars. It is then the sword of the magistrate, and not of the soldier. Says Chief Justice Taney, in the Rhode Island case:

"Unquestionably, a State may use its military power to put down an armed insurrection too strong to be controlled by the civil authority. The power is essential to the existence of every Government; essential to the preservation of order and free institutions; and is as necessary to the States of this Union, as to any other Government."—7 *Howard*, 45.

This Government has had insurrections, and has quelled them by the civil authority, with the aid of the militia, and without martial law. The Shays rebellion and the whiskey insurrection were put down by the

*posse comitatus*. The writ of *habeas corpus* was not suspended by the United States. But, even in extreme cases, where the President called out the militia to suppress actual array and violence, without a law of Congress authorizing it, the force was only to be used with a view to cause the laws to be duly executed. All arrests were made under civil authority. Trials were had as in civil cases. In Pennsylvania, in 1793, the expedition was not in its nature belligerent; but it was to assist the marshal. (7 Howard, 80 and 81.) Washington enjoined strictly the subordination of the military to the civil power, and went in person to see that his orders were obeyed. The very genius and structure of our Constitution would forbid the making of war, in its sense of aggression, against any State of the Confederacy. But, unless the power to enforce reside somewhere in the Government, it is virtually no government at all. It is a garment of shreds. If the force is of that irresponsible kind called war, the Government is then worse than a failure. It then wears a coat of mail. But if it have the force to maintain itself, and subordinate to itself the military which it may use in its defence, then it is a government. It then wears the robe of State!

The time does not yet call for threats of coercion by martial or other means. It only calls for defence from those who are aggressive. I would reserve this power of coercion, as King Arthur did his diamond shield. He ever kept it out of sight covered with a veil, and only uncovered it to fight monsters and alien enemies.

I call this secession, revolution. I will not in an American Congress, with an oath on my conscience to support the Constitution, argue the right to secede. No such right can ever be had, except by amendment of the Constitution, legalizing such secession. It is a solecism to speak of the right of secession. It is revolution; and the burden of proof is on him who begins it, to show why he seeks the change. The combined reason of the ages has fixed in its maxims of thought, rules to govern the actions of men and nations, which no one can overrule without great criminality. These rules require first that revolution must have no light and transient cause. To overthrow a despotism, the causes must be of grave weight. *A fortiori*, what must be the grievance to justify a revolt against a Government so free as ours! Besides, there must be a reasonable hope of a happy and successful termination. Otherwise history, with her judicial prescript, will ban those who begin it to an eternity of retribution.

There must be in every State some power to which all others yield, competent to meet every emergency. No nation can be consigned to anarchy by some absurd contrivance, either in the shape of personal liberty bills or secession ordinances. In America, we have a national Constitution. Under it, we have United States citizenship. To it we owe and swear allegiance. It may be a compact; but it is a government also. It may be a league; but it has authority, "operative," as Mr. Madison holds, "directly on the people." It may reach States as States; but it does more; it reaches the people of the States through its executive, judicial, and legislative departments. If it cannot declare war against a State, it is because a State is a part of itself, and not *quoad hoc* a foreign and independent State. Its Constitution is the supreme law of the land; and though, as Chief Justice Marshall says (1 Wheaton, 304),



"the sovereign powers vested in the State governments by their respective constituencies remain unaltered and unimpaired, yet they remain so, except so far as they were granted to the Government of the United States." I could cite Marshall, Jefferson, Madison, Jackson, Story, Duer, and Webster, almost every student, expounder, and executor of the Constitution, to show these conclusions to be irrefragable. It is an absurdity to contend that States, which voluntarily surrendered such portions of their sovereignties as were requisite for a national government, can be the equal in power of that national government. In the name of the people, the Constitution asserts its own supremacy and that of the laws made in pursuance thereof. It is supreme, by the consent of South Carolina herself, "over the constitutions and laws of the several States." If, then, South Carolina attempt, as she has by her ordinance, to annul her connection with this national system, does she not usurp a power of the General Government? Does she not infringe on the rights of Ohio? Is it not a plain violation of the permanent obligation she is under as one of its members? Nay, she not only breaks her oath of fealty to the United States Constitution, but she breaks her oath to her own constitution, which requires that oath.

Am I referred by members of my own party to our platform and principles indorsing the Kentucky and Virginia resolutions? Am I told that the sacred principles of State rights declared by Jefferson and Madison, as a check against the usurpations of a consolidated Federal Power, allow that each State may so judge of the infraction of the Constitution, and the means and measures of redress, that it may go out of the Union? These Virginia and Kentucky resolutions are misinterpreted. Judge Marshall, however federal his views, in a letter to Judge Story of July 31, 1833 (Story's Life and Letters, p. 135), is an honest witness to this misinterpretation.. He says:

"The word 'State rights,' as expounded by the resolutions of 1798 and the report of 1799, construed by our Legislature, has a charm against which all reasoning is vain. Those resolutions and that report constitute the creed of every politician who hopes to rise in Virginia; and to question them, or even to adopt the construction given by their author, is deemed political sacrilege."

This Government was intended to be perpetual. It was adopted *in toto*, and forever. Says Mr. Madison: "The idea of reserving the right to withdraw was started, considered, and abandoned; worse than rejected." Judge Marshall says: "The instrument was not intended to provide merely for the exigencies of a few years, but was to endure through a long lapse of ages, the events of which were locked up in the inscrutable decrees of Providence." It was, therefore, provided with means for its own amendment. By the Legislatures of three-fourths of the States, there is a means of amendment; and in that way alone can a State withdraw. Nullification and secession, said Mr. Madison, are twin heresies, and should be buried in the same grave. General Jackson held that secession does not break a league, but it destroys the unity of a nation; hence, he argued that it is an offence against the whole Union. To say that a State may constitutionally secede, is to say that the constitutional elements were poisoned at the birth of the nation, and, of malice prepense, were intended to kill our national life! Such reasoning over-

throws all government. It is to affirm that the tribunal appointed for the arbitrament of mooted questions under the Constitution, or that the means for its own amendment, shall be set aside at the pleasure of one of the parties to be affected. Monstrous sophistry! Are gentlemen of the South aware that it is from this twin heresy that the Republicans have drawn their arguments for their personal liberty bills and for their repudiation of the fugitive slave law? The very chief justice of Ohio, so recently reindorsed for his seditious decision in the Oberlin fugitive case, bases his adjudication on the usurpations of the Federal Government. He, like South Carolina, denies that "the decisions of the usurping party, in favor of the validity of its own assumptions, can settle anything." (*Ex parte* Bushnell, 9 Ohio State Reports, 227.) He warns against the "practical omnipotence of the Federal Government by making authoritative the judgment of its judicial tribunals." He sang the Marseillaise in his ermine from the supreme bench, as South Carolina sings it in her convention.

I would, therefore, guard against the least recognition of this right of secession, or of nullification, which is the lesser type of the same disease. It would, I say, destroy all government. It would dissolve the united mass of powers now deposited in the Union into thirty-three separate and conflicting States; each with a flag, a tariff, an army, a foreign policy, a diversity of interests, and an idiosyncrasy of ideas. Nay, that would be tolerable; but it would do more and worse. It would disintegrate States, counties, towns; tear cities from their places on the map; disorder finances, taxes, revenue, tariffs; and convert this fabric, now so fair and firm that it seems built on the earth's base, and pillared with the firmament, into a play-house of cards, built on a base of stubble. It would thus destroy the established order. And is such order among men, with a view to permanency, nothing? The North has rights, property, interests, relations in the South, not to be sundered without loss; and the South in the North, *vice versa*. Is this nothing? Is depreciation of property, depression of business, loss and lack of employment, withdrawal of capital, derangement of currency, increase of taxes, miscarriage of public works and enterprise, destruction of State credit, the loss of that national symmetry, geography, strength, name, honor, unity, and glory, which publicists tell us are themselves the creators and guardians of cash, credit, and commerce—are these consequences nothing? Surely such a mass of complicated interests—the growth of years, clinging, with root and fibre, to the eternal rocks of public stability—cannot be upturned without great struggle and stupendous crime.

I wish that I could contemplate secession as a peaceful remedy. But I cannot. It must be a forcible disruption. The Government is framed so compactly in all its parts, that to tear away one part, you tear the whole fabric asunder. It cannot be done by consent. There is no authority to give consent. The Constitution looks to no catastrophe of the kind. It is a voluntary, violent, and *ex parte* proceeding. A majority of the States, and a great majority of the people, are hostile to it. In this angry and warlike disruption of the compact, where shall we find our more perfect Union, the establishment of justice, domestic tranquillity, provision for the common defence, the promotion of the general welfare,

and the security of the blessings of liberty to ourselves and posterity? In this light, the ordinance of South Carolina becomes an offence; and in case a sufficient number of others followed, to the injury of any, it would be worse than an offence. In the cases of Texas and Florida, Louisiana and California, for which millions were paid, the inquiry would be made whether it would not be a fraud so colossal that neither language nor law can measure it.

Mr. REAGAN. I would ask the gentleman when a dollar has been paid for Texas?

Mr. COX. I cannot give way. My time is limited. Besides, the same question was asked in the Senate; and Judge DOUGLAS answered it. The country knows both question and answer. I proceed. If, then, South Carolina can dispense with an amendment of the Constitution to which she solemnly acceded on the 23d of May, 1788, cannot she dispense with other portions of that instrument; ay, even with this American Congress? The whole framework of our Government, by the action of separate States, may thus be swept away. This Congress may be dissolved, if not by the military usurpation which dissolved the Long Parliament, or expelled the Council of Five Hundred from the Orangery of St. Cloud, yet by the very impotence of its organism, as the Confederation dissolved under its imperfect articles, to give place to this more perfect Union!

What justification does South Carolina offer for this act? "Fifteen States," says her declaration, "have deliberately refused for years to fulfil their constitutional obligations." It refers to the fourth article of the Constitution for the specific cause of grievance. But is there not now, since the vote in this House the other day on the personal liberty bills, when the demands of returning public justice made even the gentleman from Illinois [Mr. LOVEJOY] recede from his ultraism, a reasonable hope of curing these evils? Again: is there not the Supreme Court, as to whose fidelity no question is raised in the South? And are these peculiar wrongs remediless in that forum? The Governor of Kentucky has already arraigned the recreant executive of Ohio for his delinquency under a kindred constitutional clause. Why may you not exhaust your remedies in the courts before you raise the ensign of revolt? If you would have public opinion correct the errors of the North as to fugitives from justice and labor, already assurances come from all quarters that such remedy will be given. Republican Governors and Legislatures are beginning to recede from their aggressive acts. Already Ohio has begun this work of redress.

The fugitive slave law may be the ostensible reason for secession, or ancillary to the real grievance. Aside from certain economic reasons, which have ever impelled South Carolina, and which I will not now consider, the real grievance consists in the apprehension of slave insurrections and abolition, under the auspices of an Executive who, though not yet inaugurated, was elected on a principle of hostility to the social system of the South. Or, to give it the strongest statement, which I find in a pamphlet signed by the member from Arkansas [Mr. HINDMAN], "The Republican candidates were elected upon a platform destructive of our rights, branding our institutions as infamous, decreeing the equality of the

negro with ourselves and our children, and dooming us, in the end, with murderous certainty, to all the horrors of insurrection and servile war." He holds: "that to imprison slavery for ever in the States where it now exists, will, in time, overburden the land with the predominating increase in the ratio of blacks to whites, until there will be a conflict for supremacy of races, and the blacks will be exterminated; or else the white man must abandon his country for ever to the negro." I will grant the full force of this *fear*, though not the sufficiency of this or any mere fear, as a cause to justify revolution. The Union men of the North began to warn against the dawning of this dangerous geographical movement in 1856. They repeated then, and then not in vain, the farewell words of Washington. From every press and hustling which a Democrat could command, this evil day was prophesied. But we were Cassandras. Unbelieving men derided us as doughfaces, and sneered at us as Union-savers. The patriotic Choate, in one of his weird and wondrous prophecies, in 1855, with the pain of anxiety upon his brow, put on record his deliberate and inextinguishable opposition to this geographical party. He regarded the contest then as the stupendous trial and peril of our national life. Admitting faults South and faults North, yet turning to the battle years of the Republic and its baptism of fire, he shrank aghast at the moral treason of attempting to weave and plait the two northern wings of the old national parties into a single northern one, and cut the southern wing off altogether, as neither far-sighted nor safe, however new and bold. Let me give his statement of the complaint, for he stated it in advance as strongly as it can now be stated:

"To combine these parties thus against each other geographically—to take the whole vast range of the free States, lying together, sixteen out of thirty-one, seventeen millions out of five or six and twenty millions—the most populous, the strongest, the most advancing—and form them in battalion against the fewer numbers and slower growth and waning relative power on the other side; to bring this sectional majority under party drill and stimulus of pay and rations; to offer to it, as a party, the government of our country, its most coveted honors, its largest salaries, all its sweets of patronage and place; to penetrate and fire so mighty and so compact a mass with the still more delicious idea that they are moving for human rights and the equality of man; to call out their clergy from the pulpit, the library, the bedside of the dying, the chair of the anxious inquirer, the hearth of the bereaved, to bless such a crusade; to put in requisition every species of rhetoric and sophistry to impress on the general mind the sublime and impressive dogma that all men are born free and equal; and that such a geographical party is a well-adapted means to that end—does this strike you as altogether in the spirit of Washington and Franklin, and the preamble to the Constitution, and the Farewell Address? Does it strike you that if carried out it will prove to be a mere summer excursion to Moscow? Will there be no bivouac in the snow, no avenging winter hanging on retreat; no Leipzig, no Waterloo?"

Has the avenging winter indeed come! God in his mercy forbid!

That crusade failed in 1856. What a risk we ran then! It succeeded in 1860. What a peril is now upon us! What a crusade it was which has produced it! I well remember that my own Republican competitor for this seat was quoted in Blackwood's Magazine, with Tory delight, over the anti-slavery revolution which he preached in this House in 1856, and which he would have ushered in with Bunker Hills, and other battle-fields of freedom.

But admitting the source of this great peril to lie in Republican as-

cendency, still, I ask, is it remediless in the Union? Admitting all you claim of danger to your States from this sectional triumph; admitting that you are right in concerting for your own protection—yet is it right, fair, or just to rush forward, regardless alike of friends and foes, to a chasm where no guarantee can be asked or offered? Give us one more chance to appeal to the returning reason of the North, now that it is startled by the fulfilment of these prophecies and warnings. If you do not, what then? You will give to your enemies the advantage which belongs to you and to us. They are already eager to seize the legislative as well as the executive departments. They talk of reforming the Supreme Court for their purposes. They who have taught and practised the breaches of civil discipline, are becoming the conservators of public order. On your retiring, they will filch from its old guard the ensign of the Constitution. Why, to break up this Government before a full hearing of the grievances, is to be worse even than Red Republicanism! Shall it be said that our friends of the South are worse than the Red Communists of France? So it would seem, and so I will proceed to prove.

Apprehension of evil! It was the argument of despotism in France in 1851. Louis Napoleon used it for his bad purposes; but the French Republicans denounced it. Let me draw the analogy. In article forty-five of the French Constitution, it was enacted:

“Le Président de la République est élu pour quatre ans, et n'est rééligible qu'après un intervalle de quatre années.”—*Annuaire Historique*, 1848, *Appendice*, p. 43.

In article one hundred and ten it was further enacted:

“Lorsque, dans la dernière année d'une Législature, l'Assemblée nationale aura émis le vœu que la Constitution soit modifiée en tout ou en partie, il sera procédé à cette revision de la manière suivante.

“Le vœu exprimé par l'Assemblée ne sera converti en résolution définitive qu'après trois délibérations successives, prises chacune à un mois d'intervalle et au trois quarts des suffrages exprimés.

“Le nombre des votants ne pourra être moindre de cinq cents.”

Thus, in 1848, Louis Napoleon was elected President for four years, the constitutional term. He was, by the one hundred and tenth article, ineligible to a reelection except after an interval of four years. His term would have expired in May, 1852. The summer of 1851, in France, was signalized by vague apprehensions of a revolt, when the President should constitutionally go out. Under this apprehension the National Legislature were summoned to change the Constitution. It required three express ballots of the Assembly, taken at a month's interval, with three-fourths of the Assembly, and at least five hundred votes to be given, before that Constitution could be so changed as to continue Napoleon in power. Hereupon arose a parliamentary struggle, unequalled in any forum. It was before the giant intellects of France were exiled by the perfidy of its ruler. Here was a country like France, with sixty years of political vicissitude, wherein every tradition and compact had been violated; and yet even there, the Constitution of the new Republic was invested with such a sanctity, that it defied the majority of the Assembly to change it. The Lafayettes, the Hugos, the Lamartines, the African Generals, Lamoricière, Changarnier, Cavaignac, Bedeau, and Le Flo, struggled against this change, with an eloquence radiant with French fer-

vor, and inspired with the genius of great deeds. Their President had sworn to be "faithful to the Democratic Republic, one and indivisible, and to fulfil the duties imposed by the Constitution." At length a vote was taken. There were 446 for the amendment; only 278 against it; a majority of 168; but not enough; not the required three-fourths! The crafty President, finding he could not change the Constitution in the constitutional manner, began to ply the popular will for his purposes. The *Conseils Généraux* demanded, and two million people petitioned for the change. But the Republicans, moderate and red, stood their ground. Even Proudhon, blood-red Communist, from his prison of St. Pélagie, wrote to Girardin that universal suffrage would not be price enough for such a breach of the Constitution. The great question was referred to a committee, of which De Tocqueville was chairman. He, too, withstood the pressure of power. The will of the minority, for whose protection constitutions are made, became, through the constituted mode of amendment, the will of the majority; nay, of the State. Just as nine States in this Union hold our Constitution *in statu quo*, against the will of the remainder. These loyal Frenchmen appealed to the nation, against the adherents of the Bourbon, Orleans, and Bonaparte. "No," they said, "we will not give up the repose of France, at the price of quieting apprehension of future revolt." They thus confined the enemies of the Republic to the circle of the Constitution, from which they could not break without crime. They declared that the prolongation of the term of Napoleon was a crime, impious and parricidal. When it was said that Napoleon would override the Constitution with force in 1852, if not before, they answered; "Such a crisis will be revolution, arising from a violation of the fundamental compact. In that case we declare that, enveloped in the flag of France, we will do the duty which the salvation of the Republic imposes!" On the other hand, it was urged, as it is here urged, that if the Constitution was not broken, there would be dangers more fatal. By a foreknowledge of disaster, it was urged that the end of Napoleon's term must be a convulsion, which the Assembly, acting on an apprehension, ought to bind in advance. To save him from perjury, a majority of the Assembly were willing to commit it themselves. So now, according to my theory, South Carolina would break the Constitution and her oath of fealty, in apprehension of an aggression which the President elect, even if he would, has no power to commit.

The summer of 1851 passed in France. Again and again had the minority of the Assembly rescued the Constitution from civil dethronement. They triumphed in the forum of reason. But stay! In a night—in the midst of the debates of the Assembly—on that fatal December night, the usurper seized the reins of power, and like a thief, by a nocturnal surprise, he silenced every voice but his own, muzzled the press, struck down the Assembly, transported its leaders without judgment, made his Senate of mock Dukes, and surrounded himself with the bastards of his race. He illustrated the glory of a reign based on nullification, force, perjury, and fraud! And is this the banquet to which the American people is invited, by those among us who hate Red Republicans even worse than Black? Let the American freeman from this example remember this lesson: If political compacts like our Constitution be broken,

the limits of authority are effaced. Right succumbs to force. It signifies little whether such acts are done by Executive usurpation, military compression, Congressional action, or State secession; the Government is gone! States which will not keep inviolate the fixed principles of constitutional right, repudiate their own strength, assassinate their own life, tarnish their own glory, and will receive and deserve the ill-starred fate of France! In whatever form these infractions may come, history has but one answer for their effect. When law is defied successfully, division will come armed with tenfold terror. Force will be arrayed against force. The brute rules and reason dies. If not resisted, there is but one alternative: yokes of wood instead of cords of silk, and yokes of iron instead of yokes of wood. The red spectre of revolution, or the gentler movements of acquiescent infraction of the organic law. There is but one step from the Capitol to the Tarpeian rock. After centuries of brave struggle, thus France lost the Republic. What shall we say of America, with her seventy years crowded with the trophies of her success and greatness? Read the prophetic warning of Judge Story (vol. ii., p. 138, of his *Life and Letters*) in his introduction to his *Commentaries on the Constitution*:

"The influence of the disturbing causes which, more than once in the Convention, were on the point of breaking up the Union, have since immeasurably increased in concentration and vigor. The very inequalities of a Government, confessedly founded on a compromise, were then felt with a strong sensibility; and every new source of discontent, whether accidental or permanent, has since added increased activity to the painful sense of these inequalities. The North cannot but perceive that it has yielded to the South a superiority of representatives, already amounting to twenty-five, beyond its due proportion; and the South imagines that, with all this preponderance in representation, the other parts of the Union enjoy a more perfect protection of their interests than her own. The West feels her growing power and weight in the Union, and the Atlantic States begin to learn that the sceptre must one day depart from them. If, under these circumstances, the Union should once be broken up, it is impossible that a new Constitution should ever be formed embracing the whole territory. We shall be divided into several nations or confederacies, rivals in power and interest, too proud to brook injury, and too close to make retaliation distant or ineffectual. Our very animosities will, like those of all other kindred nations, become more deadly, because our lineage, laws, and language are the same. Let the history of the Grecian and Italian republics warn us of our dangers. The national Constitution is our last and our only security. United we stand, divided we fall."

Ah! it is easier to commit than to justify such a parricide! But to justify it on an apprehension, is neither courageous nor safe. Let South Carolina beware! Charles Cotesworth Pinckney, on the 17th January, 1788, in the South Carolina Convention, on the adoption of the Federal Constitution, said: "We are so weak that, by ourselves, we could not form a union strong enough for the purpose of effectually protecting each other. Without union with the other States, South Carolina must soon fall. Is there any one among us so much of a Quixote as to suppose that this State could long maintain her independence if she stood alone, or was only connected with the other southern States?" (*Elliot's State Convention Debates*, vol. iv., p. 275.) The same statesman, on page 290, in paying a compliment to the Declaration of Independence, says: "The separate independence and individual sovereignty of the several States were never thought of by the enlightened band of patriots who framed this declaration. The several States are not even mentioned by name in any part of it, as if it was intended to impress the maxim on

America, that our freedom and independence arose from our Union, and that, without it, we could neither be free nor independent. Let us then consider all attempts to weaken this Union, by maintaining that each State is separately and individually independent, as a species of political heresy which can never benefit us, but may bring on us the most serious distresses." God is just and history inexorable. In leaving the ensign of the stars and stripes, South Carolina will find no repose beneath her little palm. It is from Augustus to Augustulus. Her only renown and strength are in the clustered States—the *Bundestaat*, as the Germans term it—not in selfish, unfraternal, and hostile loneliness. When she rends the bonds of the Constitution, she opens her peace to the chances of that dark future, so vividly anticipated by the gentleman from Arkansas.

I do not now say that I would vote means and money to repress her revolution. But am I not bound by my oath to support the Constitution of the United and not of the dis-United States? If I do not do my part to carry on this Government, and to enforce its laws, have I any business here? Neither can I withhold my respect from magistrates because they are not my choice. Private opinions must give place to public authority. The election of Abraham Lincoln, under the forms of the Constitution, however deplorable, cannot be questioned with argument or arms. Judge DOUGLAS exhausted the argument in his reply to the Norfolk questions; and I have no such poor opinion of any portion of our people as to believe that they will question it with arms. South Carolina herself participated in this election, giving her voice for her favorite. When, therefore, she would ignore this election, and break the established order for this and other unjustifiable causes, she runs a fearful risk. Her destiny becomes a raffle. The insurrection of her slaves will then only become a question of opportunity. The slave trade will not help, only hasten and aggravate her ills. Perhaps, in the eye of Providence, it was her wisest act, when she yielded her assent to that Federal covenant which was and is a restraint against herself and her slaves and for herself and her safety. That assent and that covenant were the highest expression of the popular will; for they were the voice of the majority, which Jefferson called the vital principle of Republics, and from which there is no appeal but to force—the vital principle and immediate parent of despotism.

Before risking such chances, cannot the South await the returning justice of the North? Unless disunion be determined upon in spite of every effort at harmony, I do not see why, after having so long acquiesced in the breach of the fourth article of the Constitution, any State should go out upon that ground, even though, as Mr. Webster held, its breach be treason. And as for the North, so long as the Federal laws remain unbroken, and no serious detriment to the public property and peace is threatened, cannot she, too, tolerate these heated appeals, rebellious ordinances, and too careless handling of gunpowder at Point Morris, with equanimity, for the chance only of the rehabilitation of the seceding States? At least, until the North repeal their nullification laws, would not such equanimity be magnanimity? Let the South desist from further attempts to obstruct the collection of the Federal revenues and despoil the property of the Government; let there be no attempt to exclude the people



North and West from this Federal District and Capitol, and no attempt to shut us who are inland from the Gulf or sea; and then what occasion is there likely to arise in which the North will dare take up arms to shoot or bayonet southern citizens into the Union, which they only leave, we may hope, constructively?

If, as Mr. DOUGLAS argued, war is disunion, cannot we, who love it so well, afford to be patient for the Union? But what a danger is here! Once let the fealty to this Government be broken, and who can restrain the excesses incident thereto? If such excesses be committed, there would be aroused a martial spirit which, in rushing to the defence of Major Anderson and his men in Fort Sumter, or to avenge their death, would do and dare all in the name of our Great Republic. Touch not a hair of his head! He is sacred to-day. He embodies the patriotism of millions. Accident has made him the defender of that flag which has floated from Bunker Hill to Mexico. His death would open a gulf into which the people would pour, in vengeance even if in vain, their treasures and their children.

Or if a confederation South propose to control the mouths of the Mississippi and its banks, do you believe it could be done without a protest of arms? Do you know the history of that acquisition, and its vital necessity to the Northwest? I hope you have listened to the able recital of my friend from Illinois [Mr. McCLELLAND] touching these points. It would seem, from the news we have to-day, that a system of espionage and detention by force has already been begun in Mississippi, upon steamers from the North. That mighty river, of two thousand miles extent, one of whose tributaries doubles the parent stream in its length, with its \$60,000,000 worth of steamers, doing the business of twelve States, with an area of one million two hundred thousand square miles drained by its waters—from the snows and timbers of the North, to the sun and blooms of the South—will ever remain in the Union! It was the necessity for its use and outlet which, in part, called for the Constitution seventy-five years ago. As the veteran General Cass told me, the sparse population in my own State, of which he was one, were even then ready to rise in arms, in consequence of a provisional treaty with Spain, which did not adequately provide for the coveted riparian privileges. And now, after a usufruct of three quarters of a century, not only the commerce, the honor, and the rights of the West, but the protesting voices of nature, calling from valley and hill, in summer rains, in gold-washing streams and smiling cultivation; nay, progress itself, which is the life of the West—which has made it deserve the poet's phrase, applied to ancient Latium, *potens armis atque ubere glebæ*—progress, which is the stride of a god across the continent—all these agencies would conspire to redden the Mississippi to float our unequalled produce between its banks to the sea! It is industry which would thus decree; and it would execute its own edict. With us, not gold, nor cotton, but **INDUSTRY IS KING!** However homely its attire, it wears the purple, and on its brow the coronal of bearded grain, imperaled with the priceless sweat of independence. It will stretch its sceptre from **THE RIVER** unto the ends of the earth! Neither imposts, nor tariffs, nor obstructions, nor foreign control, nor hazard of foreign war, shall hedge in its empire. These rights of transit and outlet are ours

by use, by purchase, by possession ; and ours they will remain. Leaving these elements of strife unstirred, the secession movement may vanish into a foolish dream—a spectre of the night, which will depart when the dawn shall again environ us in the cycle of its felicities !

But, as to these vague apprehensions of aggressions from the President elect. Would it not be best to await his entrance into power? What overt act has he yet done, or his party, in a *Federal* way? If you resist now, it should be against the States whose legislation is hostile ; not against the General Government, which has done you no wrong. When that overt act is done which you fear, you will find the northern Democracy ready to join you in the defence of your rights and the vindication of your equality of privilege. Will southern statesmen look a few facts in the face, not with that dumb gaze which deadens the will and paralyzes the intellect, but with that large roundabout common sense which distinguished her early statesmen? Is not Mr. Lincoln powerless for harm? Elected by about two million out of five million votes, he is in a minority of a million. That minority diminishes with every hour of northern misery, want, and bankruptcy. In that million there are antagonizing elements, without power morally or politically. More than half of that million will show a feeling of fraternity, which no partisanship can overwhelm. They will unite with that gallant band of Democrats and Americans in the North, who have ever warned and worked against the impending catastrophe. They will stand in the next Senate and House as a bulwark against the further advances of sectionalism. In my own State there are two hundred thousand patriots already as a nucleus for this great party of Union and justice. These men, sir, will welcome any honorable settlement. For myself, I have a preference. I would prefer Judge DOUGLAS's propositions even to the border State *projet*. But I will vote for either, for they answer every reasonable demand with respect to the fugitive slave law, slavery in this District, and on other points. In reference to the Territories, the border *projet* provides :

“That the line of thirty-six degrees thirty minutes shall be run through all the existing territory of the United States ; that in all north of that line slavery shall be prohibited, and that, south of that line, neither Congress nor the Territorial Legislature shall hereafter pass any law abolishing, prohibiting, or in any manner interfering with African slavery, and that, when any Territory containing a sufficient population for one member of Congress in any area of sixty thousand square miles, shall apply for admission as a State, it shall be admitted, with or without slavery, as its Constitution may determine.”

But, if this will not answer, let the proposition of Mr. DOUGLAS or Mr. RICE be adopted. Nay, further, if it be the only alternative to preserve this Union, I would vote for the proposition of Mr. CRITTENDEN. Much as I dislike, in this age of progress, an irrevocable law, still I would write it in the Constitution ; if thus only you can preserve that instrument. It provides for an irrevocable division of the territory. The President says of it :

“The proposition to compromise, by letting the North have exclusive control of the territory above a certain line, and giving southern institutions protection below that line, ought to receive universal approbation. In itself, indeed, it may not be entirely satisfactory ; but when the alternative is between a reasonable concession on both sides, and the destruction of the Union, it is an imputation on the patriotism of Congress to assert that its members will hesitate for a moment.”

Shall this appeal for compromise be ineffectual? It may be a sacrifice of northern sentiment. But, sir, the conservative men will sacrifice much for the Union. Sacrifice and compromise are convertible terms. They are words of honorable import. The one gave us Calvary, the other the Constitution. Nothing worth having was ever gained without them. Even the father compromised with the prodigal son, despite the meanness of the elder brother. He saw him afar off, ran to him, and with the evidences of affection, restored him to his heirship and honor. Sacrifice for our political salvation! Heaven will smile upon it. The dove of peace will rest upon it. If the Republicans will only bestow on us a few of their conservative votes in this House, we will do our part to make compromise honorable. If you dislike the word compromise, and are content with the offices and power it will insure you, very well. You may bear away the booty, we will carry the banner! We will not quarrel, nor need we taunt each other. You may enjoy the honors and patronage of administration; to us will belong the laurelled crown of the Revolution, and the civic wreath of the great Convention!

Our southern friends do not know the Republicans as we do. They will be content with the tricks, and I trust allow us the honors. They will be as harmless in office as most men are. When Gen. WILSON talks of grinding the slave power to powder, he never intends to use the powder, only to enjoy the power. [Laughter.] When the gentleman from Illinois [Mr. LOVEJOY] would speak to the God of battles, he is only praying to an unknown God. [Renewed laughter.] When Senator WADE, at Belfast, Maine, four years ago, proclaimed that there was no Union, that the pretended Union was meretricious; and when he proposed to drive "slavery back to her own dark dominions, and there to let her rot, and damn all who foster her," he was only illustrating that Christian sweetness of temper and fragrance of sentiment which is now offered up as incense on the only altar he knows—that of a meretricious Union, whose shew-bread he would eat and whose precious emblems he would plunder! The John Brown and Helper characteristics are convenient garments among them, to be put on to proselyte the churches and the old women, and to be put off to please wide-awakes and old Whigs. They do this for office. They do not think of its effect upon the South. It is a trick to be ignored when in office. These defiant men at home will become sucking doves in power. It is not instinct to fight over provender. If the South could understand them, and not take them at their word too rashly.

It is said that the reason why the South opposes the rule of Republicanism is, that their tenets are misrepresented at the South. I will not now show you what the Republicans profess at home. I hope they will fully disavow, under the composing sweets of fat jobs and offices, their bad acts and worse avowals when out of office. And is there not reason for hope? Patience! already they are willing to forego their Congressional provisos against slavery. They have already proposed to drop intervention by Congress. They are willing to accept New Mexico as a slave State. Courage, gentlemen! I do not taunt, I applaud, this spirit of conciliation. The Republican party would enjoy its power. In this it is not peculiar, perhaps. It is a way men and parties have. It will

remember that to retain power—in the matter of personal liberty bills, non-delivery of criminals, judicial decisions, and other aggressions on the Constitution—these wrongs cannot stand. It is as revolutionary to try to keep such things as they are, as it is to upset the Government because of them. There is nothing so convulsive or unnatural as the strain to keep wrong in the ascendant. Mr. Lincoln in the White House may not be the rail-splitter out of it. Abraham, in faith, may offer up his “irrepressible” offspring. [Laughter.] He will be conservative, with a total oblivion of the radical. The one will “conflict” with the other; and the former will become all one thing, without the other. He may disappoint the South as much as the abolition wing of his party. In their abolition platforms, it would seem as if the Republicans would hold this Union together by the running noose of John Brown gibbets; but when they approach the august presence of power, and undertake to rule thirty-one millions of people, as already demonstrated here, they hold up the fasces of the Republic and wonder why we ever misunderstood or misrepresented their innocence!

Their success is the result of passionate appeals. Passion soon subsides. This is the old and avowed means of the anti-slavery party. It began in England, as you will see by the London “Times” of November 3, 1832, when hired orators went over Britain, under pay of an anti-slavery propagandism. It was then said that George Thompson, who was sent to this country as its apostle, was “the very lecturer we want, because his lectures are addressed to the passions. We are so satisfied of the goodness of our cause, that we do not want to consult the reason or judgment of the people. If they vote for us, we do not care whether their votes come through their passions or not.” This brute appeal to the passions succeeded in England, as her ruined West Indies testify; for philanthropy there is great in proportion to its distance from its object. But here the sense of a brotherly people will reprehend such appeals. They see the African here in his relation of servitude. They know what he becomes in the North when free. They know that it is impossible to manumit him speedily, without injury irreparable to white and black. They will not sacrifice this Government of twenty-seven and a half million whites to do no good to three and a half million blacks. Even many of those who oppose slavery, find in it the relation which the eagle and the lamb sustained in the air. It might have been wrong for the eagle to have seized the lamb. The eagle, while holding it, may return to a consciousness of the wrong he is doing; but it does not follow that he should let it drop from his talons to the earth. It seems impossible for any one to view the philosophy of Republican principles, and not revolt in sober reason from its inevitable and suicidal results. There is hope that it will be as timid in power as it is destructive in principle. Heaven will smile on such timidity. Nay, it will cease to be such, if prompted by an honest desire to establish justice by the retraction of wrong. It will become moral courage.

When Mr. Giddings writes to Mr. Ewing, that none but cowards, none but unvirile minions of the slave power, like himself, are afraid of dissolution, he begins to show the impotence of rage at a fracture already begun in the party which he originated. The Republican party, it is to

be hoped, under the lead of Bates, Raymond, Corwin, Ewing, Weed, ay, and Seward and Lincoln also, will drown the Giddings crew, even if they have to scuttle their own party ship, and go down with it. Time, patience, fidelity to your old and tried friends, gentlemen of the South, and all will be well! Let us exhaust every effort at an accommodation. There is wisdom in the letter of George Washington, of July 27, 1798, accepting the command in chief, in the threatened war against the French Directory. Said he :

"Satisfied that you have sincerely endeavored to avert war, and exhausted to the last drop the cup of reconciliation, we can, with pure hearts, appeal to Heaven for the justice of our cause."

When you have drained the cup of reconciliation dry and have not justice, you will find a majority of northern men ready to fight your battle on our ground. Never, never will the Democrats of Ohio, so long as their Republican governors, legislatures, and judges do not retrace their steps and do justice to the Constitution which they have annulled; never will these Democrats, the best, I will not say the *only* fighting element of Ohio, thrust Republican wrongs down the throats of the South at the point of the bayonet! Am I answered that no such wrongs exist? If there be an Ohio Republican on this floor who so answers, I throw down the glove and will lift the veil from the spotted leprosy of our Republican rule. I will not sit here in silent acquiescence of the disgraceful conduct of my own State. I have no State pride in the action of our legislative, judicial, and executive officers. Let the supporters of Brinkerhoff, Sutliff, Denison, and their companions, take up the glove! If they would call South Carolina to account, let them first remove the beam from their own eye. They never can, while spotted with moral treason and guilty of deliberate nullification, make Ohio Democrats the tools of their vengeance—never, never! When they denounce the mad precipitancy of the South, let them remove its cause! I know and ponder what I say. You will have justice if you will have patience and permit reconciliation.

Whatever the legal powers of the Federal Government may be, they derive all their efficiency from the popular will. The Constitution gives the Government force to execute the law; but it is a force, after all, which resides in the people, and which they will withhold in an unjust cause. We have no Army to execute the edict of Republican injustice. Our bayonets think. We have in the West, beneath a sheathen roughness, a keen sabre ready to flash in defence of the Union to which our people owe so much, and which is the best beloved of their heart. And if no time be left for conciliation; if you of the South desert your friends and the Union to their fate; if you leave to be decided but the one great overmastering problem, Union or disunion; if in the presence of this hard solitary question, they are left to decide it, and peril come from their decision, which conservative men cannot avert, there will ring out from the yearning patriotic heart of the mighty West, it may be in agony and despair: the Union, now and forever, one and indivisible—it must and shall be preserved!

I warn the Republican party that they will need the aid of the patriotic men of the North to sustain their Executive. This revolution is reserving its more effectual overt acts for Republican rule. What then? It

will have become strong by coöperation. No Republican Administration can enforce the law, unless the Republican State authorities first place themselves right before the people, and reconstruct the moral bases of their Governments. By the 4th of March, South Carolina will have the Gulf States united. It will appeal to that economic law which is stronger than sentiment. By its appeal to the interests of the cotton States it will succeed in securing coöperation. Before we enter upon a career of force, let us exhaust every effort at peace. Let us seek to excite love in others by the signs of love in ourselves. Let there be no needless provocation and strife. Let every reasonable attempt at compromise be considered. Otherwise we have a terrible alternative. War, in this age and in this country, sir, should be the *ultima ratio*. Indeed, it may well be questioned whether there is any reason in it or for it. What a war! Endless in its hate, without truce and without mercy. If it ended ever, it would only be after a fearful struggle; and then with a heritage of hate which would forever forbid harmony. Henry Clay forewarned us of such a war. His picture of its consequences I recall in his own language:

"I will not attempt to describe scenes which now happily lie concealed from our view. Abolitionists themselves would shrink back in dismay and horror at the contemplation of desolated fields, conflagrated cities, murdered inhabitants, and the overthrow of the fairest fabric of human government that ever rose to animate the hopes of civilized man. Nor should the Abolitionists flatter themselves that, if they can succeed in their object of uniting the people of the free States, they will enter the contest with a numerical superiority that must insure victory. All history and experience proves the hazard and uncertainty of war. And we are admonished by Holy Writ that the race is not to the swift, nor the battle to the strong.

"But if they were to conquer, whom would they conquer? A foreign foe—one who had insulted our flag, invaded our shores, and laid our country waste? No, sir; no. It would be a conquest without laurels, without glory—a self, a suicidal conquest—a conquest of brothers over brothers, achieved by one over another portion of the descendants of common ancestors, who, nobly pledging their lives, their fortune, and their sacred honor, had fought and bled, side by side, in many a hard battle on land and ocean, severed our country from the British crown, and established our national independence."

Such a war is the almost unavoidable result of a dissolution of this Confederacy. Mr. Madison (No. 61, "Federalist") urged as a reason for the Union, that it destroyed every pretext for a military establishment; "but its dissolution," said he, "will be the date of a new order of things. Fear and ambition would make America copy Europe, and present liberty everywhere crushed between standing armies and perpetual taxes." He augured for a disunited America a worse condition than that of Europe. Would it not be so? Small States and great States; new States and old States; slave States and free States; Atlantic States and Pacific States; gold and silver States; iron and copper States; grain States and lumber States; river States and lake States; all having varied interests and advantages, would seek superiority in armed strength. Pride, animosity, and glory would inspire every movement. God shield our country from such a fulfilment of the prophecy of the revered founders of the Union. Our struggle would be no short, sharp struggle. Law, and even Religion herself, would become false to their divine purpose. Their voice would no longer be the voice of God, but of his enemy. Poverty, ignorance, oppression, and its handmaid, cowardice, breaking out into merciless cruelty; slaves false; freemen slaves, and society itself poisoned at the

cradle and dishonored at the grave—its life, now so full of blessings, would be gone with the life of a fraternal and united State-hood. What sacrifice is too great to prevent such a calamity? Is such a picture over-drawn? Already its outlines appear. What means the inaugural of Governor Pickens, when he says, "From the position we may occupy toward the northern States, as well as from our own internal structure of society, the government may, *from necessity, become strongly military* in its organization"? What means the minute-men of Governor Wise? What the southern boast that they have a rifle or shot-gun to each family? What means the Pittsburg mob? What this alacrity to save Forts Moultrie and Pinckney? What means the boast of the southern men of being the best-armed people in the world, not counting the two hundred thousand stand of United States arms stored in southern arsenals? Already Georgia has her arsenals, with eighty thousand muskets! What mean these lavish grants of money by southern Legislatures to buy more arms? What mean these rumors of arms and force on the Mississippi? These few facts have already verified the prophecy of Madison.

Mr. Speaker, he alone is just to his country; he alone has a mind unwarped by section, and a memory unparalyzed by fear, who warns against precipitancy. He who could hurry this nation to the rash wager of battle, is not fit to hold the seat of legislation. What can justify the breaking up of our institutions into belligerent fractions? Better this marble Capitol were levelled to the dust; better were this Congress struck dead in its deliberations; better an immolation of every ambition and passion which have here met to shake the foundations of society, than the hazard of these consequences!

As yet, I do not believe that the defensive conduct of the Executive involves these consequences. Nay, I hope that firmness in resisting aggression, with the kindness which he has endeavored to show, may do much to avert them. Certainly weakness and indecision now will not avail to check the rising tide of public sentiment, and preserve the public peace. I agree with much that my friends from Illinois [Mr. McCLEARNAND], New York [Mr. SICKLES], and Ohio [Mr. VALLANDIGHAM] have said as to the interests, dignity, and rights of their own sections. I will not now go into any calculation or contemplation about the results of a dismemberment of this Union. Long may it be averted—that picture of Ohio, as the narrow isthmus between a broken East and a divided West, with a hostile southern border! Long may it be averted—that sad picture of New York, a great free emporium, trading to all the world, and closed against the interchange of her own inland! We have gloom enough without these new schemes of division. I invoke the better spirit of Washington, who never spoke so truly prophetic as a statesman as when he said:

"In contemplating the causes which may disturb our Union, it occurs as a matter of serious concern, that any ground should have been furnished for characterizing parties by geographical discriminations, northern and southern, Atlantic and Western, whence designing men may endeavor to incite a belief that there is a real difference of local interests and views. You cannot shield yourselves too much against the jealousies and heart-burnings which spring from these misrepresentations. They tend to render alien to each other those who ought to be bound together by fraternal affection."

In these days of anticipated trouble, when financial disaster tracks the

step of political infidelity ; when the violation of compact is followed close by the intemperate zealotry of revolution ; when even the property of our Union is seized, and our flag is torn down under its impulses ; when, as if premonitory of some great sacrifice, the veil of our political temple seems rent, and the earth about us quakes, and the very graves give up their dead, who come forth to warn, beseech, advise, and moderate, in this hour of our country's deepest gloom and peril—let us heed, with an all-embracing and all-compromising patriotism, the warning of Washington, whose voice, though he be dead, yet speaketh from yonder tomb at Mount Vernon, and whose august presence I would summon here as the PRESERVER of that country whose greatest pride it is, to hail him as its FATHER !

In his sacred name, and on behalf of a people who have ever heeded his warning, and never wavered in the just defence of the South or of the North, I appeal to southern men who contemplate a step so fraught with hazard and strife, to pause. Clouds are about us ! There is lightning in their frown ! Cannot we direct it harmlessly to the earth ? The morning and evening prayer of the people I speak for in such weakness, rises in strength to that Supreme Ruler who, in noticing the fall of a sparrow, cannot disregard the fall of a nation, that our States may continue to be—as they have been—one ; one in the unreserve of a mingled national being ; one as the thought of God is One !

[Here Mr. Cox's hour expired ; but, by unanimous consent of the House, he was allowed to go on and conclude his remarks.]

These emblems above us, in their canopy of beauty, each displaying the symbol of State interest, State pride, and State sovereignty, let not one of them be dimmed by the rude breath of passion, or effaced by the ruder stroke of enmity. They all shine, like stars, differing in glory, in their many-hued splendors, by the light of the same orb, even as our States receive their lustre from the Union, which irradiates and glorifies each and all.

Our aspirations and hopes centre in the proud title of American citizen. Whether we hail from the land of granite or the everglade of flowers ; from the teeming bosom of the West, the sea-washed shore of the East, or the gold-bearing sierras of the Pacific slope—all are imbued by the same rigol of American patriotism. Abroad, at home, in palace or in cabin, in ship or on land, we rejoice in that proud distinction of American citizen. We look upon our nationality as the actual of that ideal described by Edmund Burke in a strain of finished eloquence and sublimest philosophy—as something better than a partnership in trade, to be taken up for a temporary interest and dissolved at the fancy of the parties. We look upon it with other reverence, because it is not a partnership in things subservient only to a gross animal existence of a perishable nature. It is a partnership in all science ; a partnership in all art ; a partnership in every virtue and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born. Each contract of each State is but a clause in the great primeval contract of ETERNAL SOCIETY, linking the lower with the higher natures, connecting the visible



with the invisible world, according to a fixed compact, sanctioned by the inviolable oath which holds all physical, all moral natures each in their appointed place. Thus regarding our NATIONALITY as more than a life, as the association of many lives in one, as an immortality rather than a life, the people of this country will cling to it with a tenacity of purpose and an energy of will as to the very cross of their temporal salvation, and revere it as the impersonation of their sovereign upon earth, whose throne is this goodly land, and whose mighty minstrelsy, ever playing before it, is the voice of an intelligent, happy, and free people !

V.

EULOGY OF STEPHEN ARNOLD DOUGLAS.

*Delivered in the House of Representatives on the 9th of July, 1861.*

MR. SPEAKER: Ohio is not separated from Kentucky, either in the estimate of Judge DOUGLAS, which has been so eloquently pronounced by the distinguished statesman [Mr. CRITTENDEN] who has just taken his seat, or in the grief which has been expressed for the premature closing of his illustrious career. That career closed with the opening of this eventful summer. It abounded in friendships, services, and ambitions. It ended while he was enjoying the tumult of universal acclaim, and when all felt the need of its continuance. Labor paused in its toil, bankers shut their offices and merchants their stores, lawyers and judges adjourned their courts, ministers added new fervor to prayer, partisans united in hushed regret, and soldiers draped the flag in crape, to bear their part in the great grief of the nation. He died in the midst of the people who had honored him for a generation; in the city whose growth had been fostered by his vigilance; in the State whose prairies were familiar to his eye from earliest manhood; and in that great Northwest, whose commercial, agricultural, physical, and imperial greatness was the pride of his heart and the type of his own character. There was in him a quick maturity of growth, a fertility of resource, and a sturdiness of energy, which made his life the microcosm of that great section with which he was so closely identified. That mind which had few equals, and that will which had no conqueror, save in the grave, were at last wrung from his iron frame. It is hard to believe that he lies pulseless in his sepulchre at Cottage Grove. It is sad to feel that the summer wind which waves the grass and flowers of his loved prairies has, in its low wail, an elegy to the departed statesman. Well might the waters of the lake, just before his death, as if premonitory of some great sacrifice, swell in mysterious emotion. These poor panegyrics, from manuscript and memory, fail to express the loss which those feel who knew him best. One would wish for the eloquence of Bossuet, or the muse of Spenser or Tennyson, to tell in the poetry of sorrow the infinite woe which would wreak itself upon expression. For weeks the public have mourned him as a loss so grievous as to be irreparable in this trying time of the Republic. The lapse of time only

adds to the weight of the bereavement. The tears which fell around his bedside and on his bier still

“Weep a loss forever new.”

With every passing day we turn, but turn in vain, to catch his hopeful tone, his discriminating judgment, his philosophic foresight, and his courageous patriotism. They only come to us in memory and in mourning. His lips are sealed; his eye is dim; his brain is shrouded; his heart is still; and the nation stands with throbbing heart at his grave. “His virtue is treasured in our hearts; his death is our despair.” It is no mere ceremonial, therefore, that the national Legislature, in whose counsels he has taken so prominent a part, should pause, even in extraordinary session, to bestow that homage which friendship, intellect, and patriotism ever offer to the true man, the gifted soul, and the enlightened statesman.

Judge DOUGLAS struggled into greatness. He had no avenue to honor except that which was open to all. The power and patronage which aided him, he created; and the wealth which he made and spent so freely, came from no ancestral hand. Part teacher and part cabinet maker, he left the East for the ruder collisions of border life. There he grew up under the adversities which strengthened him into a vigorous and early maturity. His own manhood soon made itself felt. He became the political necessity of his State. He filled many of its most important offices before he became nationally known. The Democratic people of the Union were soon attracted to him. As early as 1848 they began to think of him as their candidate for President; while, in 1852, the Democratic Review hailed him as the coming man; a man who had no grandfather or other incident of biographical puffery; as one whose genealogical tree had been sawed up; as a graduate from the university of the lathe; as one with the materials, the mind, and the energy to shape, fashion, and make enduring, a platform of his own.

No notice of STEPHEN A. DOUGLAS is complete which does not remark upon the singular magnetism of his personal presence, the talismanic touch of his kindly hand, the gentle amenities of his domestic life, and the ineradicable clasp of his friendships. It may not be improper to refer to the fact that I was one among the many young men of the West who were bound to him by a tie of friendship and a spell of enthusiasm which death has no power to break. These are the pearls beneath the rough shell of his political life. There are many here who will understand me, when I recall the gentle tone and the cordial greeting with which he used to woo and win and hold the young partisans of his faith, and the warm promoters of his success. Ever ready with his counsel, his means, and his energies, he led them as much by the persuasiveness of his heart as the logic of his head. The same gentle demeanor which fondled his children and taught them a beauty of manners beyond all praise, the same pure respect and tenderness with which he treated his noble wife and companion, silvered the cords of attachment which bound his friends to him, and made his home at Washington and his sojourns elsewhere recollections as sweet as memory can embalm.

While others bear testimony to his moral heroism, intellectual prowess,

fixedness of principle, and unstained patriotism, it seems that his spirit, if it hovers over this scene of his obsequies, would receive with purest delight these tributes of friendly affection. I recall in my own experience, which runs with unbroken association of friendship with him from the first year of my political life, many of his acts of unselfish devotion; many words outspoken to the public, which the mere designing politician would not have uttered; many tenders of aid and counsel, which were the more grateful because unsought, and the more serviceable because they came from him. It is one of the felicities of my life that I have been the recipient of his kindness and confidence; and that the people whom I represent were cherished by him, as he was by them, with the steadfastness of unalloyed devotion.

It was his pleasure very often to sojourn in the capital city of Ohio, where, regardless of party, the people paid him the respect due to his character and services. Among the last of the associations which he had with Ohio was his address, a few weeks before his death, to the people at its capital, on the invitation of the State Legislature. His stirring tones still thrill on the air, protesting for the right and might of the Great West to egress through our rivers and highways to the sea against all hostile obstruction, and for the maintenance of the Government, threatened by the great revolution which yet surrounds us. His last utterance was the fit climax of a life devoted to the study of this Government, and of a patriotism which never swerved from its love for the Union. It was worth whole battalions of armed men. A word from him made calm from tempest, and resolved doubt into duty. His thought swayed the tides of public opinion as vassals to his will. After his hot contests in the Senate, during the first session of the last Congress; after his Harper essay in development of his political theories; after his heroic campaign in the South, closing at Norfolk in his courageous reply to the questions of the disunionists; after his struggles of last winter, when he strung his energies to the utmost in pleading for peace and conciliation; after all had failed, and secession stalked with haughty head through the land, and even jeopardized this metropolis of the nation, it was the consummate glory of his life to have given his most emphatic utterance for the maintenance of the Government, even though its administration was committed to his old political antagonist, and although he knew that such expressions imperiled the lives of a hundred thousand of his friends.

Scarcely with any of our public men can DOUGLAS be compared. The people like to compare him to Jackson, for his energy and honesty. He was like the great triumvirate—Clay, Webster, and Calhoun—but “like in difference.” Like them in his gift of political foresight, still he had a power over the masses possessed by neither. Like Clay, in his charm to make and hold friends and to lead his party; like Webster, in the massive substance of his thought, clothed in apt political words; like Calhoun, in the tenacity of his purpose and the subtlety of his dialectics; he yet surpassed them all in the homely sense, the sturdy strength, and indomitable persistence with which he wielded the masses and electrified the Senate.

In the onslaught of debate he was ever foremost; his crest high and his falchion keen. Whether his antagonists numbered two or ten, whether

the whole of the Senate were against him, he could "take a raking fire at the whole group." Like the shrouded Junius, he dared Commons, Lords, and King, to the encounter; but unlike that terrible shadow, he sought no craven covert, but fought in the open lists, with a muscular and mental might which defied the unreasoning cries of the mob and rolled back the thunders of the Executive anathema!

DOUGLAS was no scholar, in the pedantic sense of the term. His reading was neither classical nor varied. Neither was he a sciolist. His researches were ever in the line of his duty, but therein they were thorough. His library was never clear from dust. His favorite volume was the book of human nature, which he consulted without much regard to the binding. He was skilled in the contests of the bar; but he was more than a lawyer—he easily separated the rubbish of the law from its essence. As a jurist, his decisions were not essays; they had in them something *decisive*, after the manner of the best English judges. As a legislator, his practicalness cut away the entanglements of theoretic learning and ancient precedent, and brought his mind into the presence of the thing to be done or undone. Hence he never criticized a wrong for which he did not provide a remedy. He never discussed a question that he did not propose a measure.

His style was of that plain and tough fibre which needed no ornament. He had a felicity in the use of political language never equalled by any public man. He had the right word for the right place. His interrogative method, and his ready and fit replies, gave dramatic vivacity to his debates. Hence the newspapers readily copied them, and the people tentatively remembered them. Gleams of humor were not infrequent in his speeches, as in his conversation. His logic had the reach of the rifled cannon, which annihilated while it silenced the batteries of his opponents.

DOUGLAS was a partisan; but he never wore his party uniform when his country was in danger. His zeal, like all excess, may have had its defect; but to him who observes the symmetry and magnanimity of his life, it will appear that he always strove to make his party conservative of his country. The tenacity with which he clung to his theory of territorial government, and the extension of suffrage, on local questions, from State to Territory, and the absolute non-intervention by Congress for the sake of peace and union, while it made him enemies, increased the admiration of his friends. His nature shines out with its loftiest grace and courage in his debates on these themes, so nearly connected as he thought them with the stability of the Republic.

If it be that every true man is himself a cause, a country, or an age; if the height of a nation is the altitude of its best men, then, indeed, are these enlarged liberalities, which are now fixed as American institutions, but the lengthened shadow of STEPHEN A. DOUGLAS. This is the cause—self-government in State and Territory—with which he would love most to be identified in his country's history. He was ready to follow it to any logical conclusion, having faith in it as a principle of repose, justice, and union. Placed at the head of the Territorial Committee, it was his hand which, on this basis, fashioned Territory after Territory, and led State after State into the Union. The latest constellation, formed by California, Iowa, Oregon, Wisconsin, Minnesota, and I may add Kansas, received

their charter to shine and revolve under his hand. These States, faithful to his fostering, will ever remain as monuments of his greatness!

His comprehensive forecast was exhibited in his speech on the Clayton and Bulwer treaty, on the 4th of March, 1853; wherein he enforced a continental policy suitable and honorable to the New World and its destiny, now so unhappily obscured. That speech was regarded by Judge DOUGLAS as among the most valuable, as I think it the most finished and cogent speech of his life. His philippic against England, which to-day has its vindication in her selfish conduct towards us, will remind the scholar of Demosthenes, while his enlarged philosophy has the sweep and dignity of Edmund Burke. It was this speech which gave to DOUGLAS the heart of Young America. He refused to prescribe limits to the area over which Democratic principles might safely spread. "I know not what our destiny may be. But," he continued, "I try to keep up with the spirit of the age; to keep in view the history of the country; see what we have done, whither we are going, and with what velocity we are moving, in order to be prepared for those events which it is not in the power of man to thwart." He would not then see the limits of this giant Republic fettered by treaty; neither would he in 1861 see them curtailed by treachery. If he were alive to-day, he would repeat with new emphasis his warning against England and her unforgiving spite, wounded pride, and selfish policy. When, in 1847, he advocated the policy of terminating her joint occupation with us of Oregon, he was ready to back it by military force; and if war should result, "we might drive Great Britain and the last vestiges of royal authority from the continent of North America, and make the United States an ocean-bound Republic!"

With ready tact and good sense he brought to the fiscal and commercial problems of the country views suitable to this age of free interchange and scientific advancement. His position on the Foreign Affairs Committee of the Senate gave him a scope of view abroad, which was enriched by European travel and historic research, and which he ever used for the advancement of our flag and honor among the nations. His knowledge of our domestic troubles, with their hidden rocks and horrid breakers, and the measures he proposed to remove them, show that he was a statesman of the highest rank, fit for calm or storm.

Some have lamented his death now as untimely and unfortunate for his own fame, since it has happened just at the moment when the politician was lost in the patriot, and when he had a chance to atone for past error by new devotion. Mr. Speaker, men do not change their natures so easily. The DOUGLAS of 1861 was the DOUGLAS of 1850, 1854, and 1858. The patriot who denounced this great rebellion was the patriot in every fold and lineament of his character. There is not a page of his history that we can afford to blot. The words which escaped him in the delirium of his last days—when he heard the "battle afar off, the thunder of the captains, and the shouting"—were the key-note to a harmonious life. Observant of the insidious processes North and South which have led us to this civil war, he ever strove, by adjustment, to avoid their disastrous effects. History will be false to her trust, if she does not write that STEPHEN A. DOUGLAS was a patriot of matchless purity, and a statesman who, foreseeing and warning, tried his utmost to avert the dangers

which are now so hard to repress. Nor will she permit those who now praise his last great effort for the Union to qualify it by sinister reflections upon his former conduct; for thus they tarnish the lustre of a life devoted, in peace and in war, to the preservation of the Union. His fame never had eclipse. Its disk has been ever bright to the eye of history. It sank below the horizon, like the sun of the Morea, full-orbed, and in the full blaze of its splendor. How much we shall miss him here! How can we, his associates, do without his counsel? No longer does the murmur go round that DOUGLAS is speaking in the Senate; no longer does the House become quorumless to listen to his voice! His death is like the dissolution of a political organism. Indeed, we could better afford to lose a sphere of stars from our flag; for these might wander to return. But DOUGLAS cannot be brought back to us. He who had such a defiant power, with the "thews of Anakim and the pulses of a Titan's heart," has gone upon a returnless journey. How much shall we miss him *now*! We have so long regarded the political, social, geographical, and commercial necessities to which our Government was adapted as rendering it eternal, that its present condition calls for new and rare elements of statesmanship. Are we equal to the time and the trust? Oh! for a Clay, a Webster, a DOUGLAS, in this great ordeal of constitutional freedom! While the country is entangled by these serpents of revolution, we shall miss the giant—the Hercules of the West—whose limbs had grown sinewy in strangling the poisonous brood!

Who is left to take his place? Alas! he has no successor. His eclipse is painfully palpable, since it makes more obscure the path by which our alienated brethren may return. Many Union men, friends of DOUGLAS in the South, heard of his demise as the death knell of their loyal hope. Who, who can take his place? The great men of 1850, who were his mates in the Senate, are gone, we trust, to that better Union above, where there are no distracting counsels—all, all gone! All? No! thank Heaven! Kentucky still spares to us one of kindred patriotism, fashioned in the better mould of an earlier day—the distinguished statesman who has just spoken [Mr. CRITTENDEN], whose praise of DOUGLAS living I loved to quote, and whose praise of DOUGLAS dead, to which we have just listened, "*laudari a viro laudato*," is praise indeed; CRITTENDEN still stands here, lifting on high his whitened head, like a Pharos in the sea, to guide our storm-tossed and storm-tattered vessel to its haven of rest. His feet tread closely upon the retreating steps of our statesman of the West. In the order of nature, we cannot have him long. Already his hand is outstretched into the other world to grasp the hand of DOUGLAS! While we have him, let us heed his warning, learn from his lips the lessons of moderation and loyalty of the elder days, and do all and do it nobly for our beloved Republic!

In conclusion, sir, we can only worthily praise STEPHEN A. DOUGLAS, by doing something to carry out the will which he left his children and his country:

"Love and uphold the Constitution of the United States."

I speak it all reverently when I say that this was his religion. He had faith in that

"creed of creeds,  
The loveliness of perfect deeds."

I would not seek to disclose the future to which God has consigned him in the mysterious order of his providence; but such virtue as his cannot die. It begins to live most in death. Of it may be said, as the laureate of England sang, that transplanted human worth will bloom, to profit, elsewhere. The distinguished gentleman from Kentucky [Mr. CRITTENDEN] has alluded to the fact that the mind of DOUGLAS expanded with his public service. It has been my own humble observation that he was one among the few public men who grew in moral height with mental breadth. Year after year inspired him with more of reverence and charity; while his "psalm of life" found expression in daily duty done. He never shrank from the dust and heat of active life. He most desired to live when dangers were gathering thickest. He would not ask from us to-day tears and complaints, but words which bear the spirit of great deeds, "tremendous and stupendous" efforts to save the Government he loved so well. We may toll the slow bell for his noble spirit; we may crape the arm in token of our woe; we may, while we think of the meannesses of our politics and the distractions of our country, congratulate him that he is wrapped in his shroud, forever safe in the memory of the just: but if we would worthily honor him, let us moderate the heats of party strife; enlarge our view of national affairs; emulate his clear-eyed patriotism, which saw in no section his country, but loved all sections alike; and hold up his life, so fruitful in wisdom beyond his years, for the admiration of the old; and picture him for the imitation of the young as that

"Divinely gifted man  
Whose life in low estate began;  
Who grasped the skirts of happy chance,  
Breasted the blows of circumstance,  
And made by force his merit known;  
And lived to clutch the golden keys,  
To mould a mighty State's decrees,  
And shape the whisper of the throne;  
And moving up from high to higher,  
Becomes on fortune's crowning slope  
The pillar of a people's hope,  
The centre of a world's desire!"

But, sir, no language, either in prose or verse, can portray the greatness of his loss. His fame is printed in the hearts of the people. From the Green Mountains of his native State to the white tops of the Pacific Sierras, while the heavens bend above our land to bless it, the rivers roll and the mountains stand to unite it, or the ceaseless interchange of traffic and thought goes on by sea and rail, by telegraph or post—the people of America, from whose midst, as a poor boy, by his own self-reliance, he sprung, will preserve in the Pantheon of their hearts, to an immortal memory, the name of STEPHEN ARNOLD DOUGLAS.



## VI.

### CIVIL WAR.

REPLY TO HON. MR. GURLEY—BULL RUN DEPICTED—CONGRESSMEN ON THE FIELD—EAGLES AND DOVES—WARRIORS AND MINISTERS—VINDICATION OF GEN. MCCLELLAN—CONGRESSIONAL WAR CRITICS—PERVERSION AND PROLONGATION OF THE WAR.

*Delivered in the House of Representatives, January 31, 1862.*

MR. CHAIRMAN: I obtained the floor on yesterday to give a prompt answer to the elaborate attack made by my colleague [Mr. GURLEY] on General McClellan. I was not aware that my colleague had thus prepared himself, although it was bruited about that we were to have a dissertation on the conduct of this war which would annihilate its present managers. I wish that my colleague could plead the impulse of the moment for his speech; but I give more significance to his labored effort because it betokens a plan—one in which my colleague plays his rôle—to get rid of the gallant Major-General in whom repose the hopes and the confidence of the people. If his speech had been made by a Democrat, it would have been said that it was an attempt to aid secession; to cripple our credit at home and our honor abroad; to undermine the popular faith in the power of the Government to conquer peace and restore the Union. It would have deserved, according to the practice, a prison in a sea-bound castle.

I do not understand, nor will I attempt to analyze, the motives of my colleague. If I were to judge of his intent by the effect of his speech, he would discourage the army in their efforts, and the people in their payment of taxes. His speech will aid the rebellion, not so much because it was spoken by him, as because it seems to be a part of a plan, outside and inside of this House, to beget distrust and sow discord. I do not know, sir, how much weight will be attributed to my colleague's military strictures. If his facts are no better than his conclusions—and I will demonstrate that neither are correct—his speech will only go for what it is worth—the scolding of an unmilitary Congressman. My colleague began with the cry that generals are nothing; that if any general was incompetent, to take him away. He read from the Richmond "Dispatch" to show the errors which our generals had committed. The article read was so full of slan-

der and falsehood that he himself corrected a part of it. He charged the Commander-in-Chief with causelessly holding back our eager soldiers for months. He charged him with denying to them the victory which was in their reach. He said that no man living was fit to command over three hundred thousand.

MR. GURLEY. I said six hundred thousand.

MR. COX. I have read the gentleman's speech in the "Globe," and I am right. He further said that it was not only anti-republican and unwise, but alarming to the last degree. He found fault with the General's plan—as he claimed to know it—to attack the enemy's whole line at once at all points. He said this was unwise because it was impossible. He did not approve of the General's "nice and precise adjustment of military affairs" before the army moved. He wanted the army to overwhelm the enemy without waiting for orders from Washington City. He then undertook, by a statement of facts as to the affairs at Romney, in Missouri, and Kentucky, to depreciate the character of the Commander-in-Chief. He demanded that the army should move *at all hazards*, unrestrained by a single hand. He thought he saw in the accession of Mr. Stanton a streak of sunlight, for he (Mr. Stanton) was like brave BEN WADE, of Ohio. He thought, if we did not move soon, our reputation as a military people would about equal that of the Chinese; and then my colleague wound up his speech by the figure of the anaconda, in which he tried to be humorous at the expense of General Scott, who originated the trope; and finally he was for stirring up the anaconda, even though, like the snakes from Tenedos in Virgil, it wound its coils around the most sacred of our hopes to crush them forever. This is the analysis of my colleague's speech.

On the very eve, sir, of the most important movements, and when, too, our army in one section has already given earnest in carrying out successfully one part of General McClellan's scheme, we have this most inopportune display of impatience. I would rather have heard it from any other than an Ohio member. Ohio gave McClellan his first commission. I remember to have seen him when he came with alacrity to her capital to accept this mark of our Governor's trust. How well he repaid the confidence, Western Virginia can answer; and if all his plans there had been carried out by subordinates with a vigor equal to their wisdom, we would have had less trouble and more glory in that campaign.

As to the advent of the new Secretary of War, Mr. Stanton, whom my colleague hails as a "streak of light" in the gloom, I do not believe that he will delight in any such hailing, coupled with such railing at his friend, the General. It is too much like the "All hail!" of the witches to Macbeth. [Laughter.] There lurks a sinister object in this congratulation. It was intended as a depreciation of McClellan; as if the errors and incompetency of the late Secretary of War ought to be shared by the General. I, sir, as much and more sincerely than my colleague, welcome the new Secretary. But my colleague would hurry the army into a movement now "at all hazards," because foreign nations may soon interfere. I do not understand this logic. He would have us risk every thing for fear of trouble from abroad. We may have foreign war; but this nation should not hazard its own existence from a servile fear of England or France. If he had been a Democrat, he would not have been so

fearful of every movement abroad. Choate said he loved the old Democracy because they had "a gay and festive defiance of foreign dictation."

Mr. GURLEY. That is the party of which I *was* a member.

Mr. COX. Then my colleague has been a renegade to his ancient faith. I am sorry for it. We would be unworthy of our fathers and of our land did we fire our own house over our heads because we may fear that a neighbor will come some night to despoil it.

My colleague objects to the organization of an army with one head. He wants a many-headed arrangement, with, I suppose, distracting counsels. Utterly unconscious of the absolute necessity of unity of movement by our armies, under one direction, my colleague, to strike at General McClellan, would change the military system which has obtained from the time war began or armies were levied. My colleague has a military wisdom beyond all human comprehension. Because our army is large we must, on this logic, dispense with its proper organization. There is the more need of one executive head to so vast an array as this army of half a million.

My colleague, in this attack upon the general in command, meant to attack also the President, or he meant nothing. He knew that the President was General McClellan's superior officer; that all that McClellan had done or had not done was approved by the President. He was, however, gracious enough to say that the President would not set up his opinion in military matters in antagonism to his general-in-chief; and he would, no doubt, for this, commend the good sense of Mr. Lincoln, as I do. But if the President in thus acting was sensible, what sort of sense is it for a member of Congress, whose life has been passed, too, in thumping the pulpit desk [laughter], and whose thoughts have been less upon the eagle and more upon the dove, to set up his opinion against that of the general in command? If it were not bad sense, it would be nonsense. Why did not my colleague, if his motive was good, go to the President, and with his array of maps, telegraphs, deeds of omission and commission, lay before the President his military conceptions? Why does he have them delivered here, before the nation? Was it to display his military erudition? Or was it to gratify what he thinks was the popular prejudice and impatience, to which he would administer, regardless of consequences? Why did he not go to General McClellan and verify his facts before he used them for the public disservice?

Mr. Chairman, if the gentleman had been a skilful commander, or had, like the gentleman from New York [Mr. ROSCOE CONKLING], the humane motive for investigating the confessed blunder at Ball's Bluff, in which many brave men were lost, I could tolerate this mischievous line of debate.

But, sir, my colleague compels me to examine into his merits as a military critic particularly, and the propriety of military "movements" here in Congress and elsewhere by civilians. My colleague will admit that he is not a military man by education, nor a soldier, like Falstaff, on instinct. [Laughter.] His profession was that of a gospeller. [Laughter.] His studies do not fit him to discuss martial subjects. We do not go to a blacksmith to have our watch repaired, nor to a watchmaker to

have our horse shod. We do not go to Carolina for cheese [laughter], nor to the Western Reserve for cotton. I can well imagine how a fine scholar, as is my colleague, might, like Beaumont's "Elder Brother," sit in his study, mount upon the wings of speculation, and

"hourly converse  
With kings and emperors, and weigh their counsels,  
Calling their victories, if unjustly got,  
Unto a strict account, and in his fancy  
Deface their ill-placed statues."

But, sir, criticism on the art of war, to be valuable now, must be backed by specific study and experience. What has been the study and experience of my colleague?

The country was thoroughly disgusted with the part Congressmen played at Bull Run. [Laughter in the galleries.] It may be remembered with what jocund levity the House adjourned to go over to see our army march upon Richmond. Not one of us ever got there, except my friend from New York [Mr. ELY] [laughter], who made his exile so conspicuously honorable in the use he made of it in behalf of his fellow-prisoners. The House may remember that I opposed the adjournment then on the ground that, by going over the river, we would only get in the way of the soldiers. It turned out that the soldiers got in the way of the Congressmen. [Laughter.]

I have a letter, written by a member of this House, and published in an Ohio paper, which details, with graphic accuracy, the part displayed by truculent Congressmen on that day. I will have it read at the Clerk's table.

The Clerk read as follows :

"Just as the dragoons turned back, a cry was raised that the Black Horse, a formidable body of the rebel cavalry (and these were part of them), were charging upon us, and it seemed as if the very devil of panic and cowardice seized every mortal soldier, officer, citizen, and teamster. No officer tried to rally the soldiers, or do any thing, except to spring and run toward Centreville. There never was any thing like it for causeless, sheer, absolute, absurd cowardice, or rather panic, on this miserable earth before.

"Off they went, one and all; off down the highway, over across fields toward the woods, anywhere, everywhere, to escape. Whether it communicated back to the soldiers still in the woods, and so on back to the regiments who had just driven off the rebels, I do not know, but think it did to a part of them, for a share of our army seems to have been demoralized, if not broken up.

"Well, the further they ran the more frightened they grew, and although we moved on as rapidly as we could, the fugitives passed us by scores. To enable them better to run, they threw away their blankets, knapsacks, canteens, and finally muskets, cartridge-boxes, and every thing else.

"We called to them, tried to tell them there was no danger, called them to stop, implored them to stand. We called them cowards, denounced them in the most offensive terms, put out our heavy revolvers, and threatened to shoot them, but all in vain; a cruel, crazy, mad, hopeless panic possessed them, and communicated to everybody about in front and rear.

"The heat was awful, although now about six; the men were exhausted—their mouths gaped, their lips cracked and blackened with the powder of the cartridges they had bitten off in the battle, their eyes starting in frenzy; no mortal ever saw such a mass of ghastly wretches.

"As we came on, borne along with the mass, unable to go ahead or pause, or draw out of it, with the street blocked with flying baggage wagons, before and behind, thundering and crashing on, we were every moment exposed to imminent danger of being upset, or crushed, or of breaking down; and for the first time on this strange day I felt a little

sinking of the heart, and doubt whether we could avoid destruction in the immense throng about us; and nothing but the remarkable skill of our driver, and the strength of our carriage and endurance of our horses, saved us. Another source of peril beset us. As we passed the poor demented, exhausted wretches who could not climb into the high, close baggage-wagons, they made frantic efforts to get on to and into our carriage. They grasped it everywhere, and got on to it, into it, over it, and implored us every way to take them on. We had to be rough with them. At first they loaded us down to almost a stand-still, and we had to push them off and throw them out. Finally, Brown and I, with a pistol each, kept them out, although one poor devil got in in spite of us, and we lugged the infernal coward two miles. I finally opened the door and he was tumbled out."

**Mr. Cox.** Now hear what these brave Congressmen actually did to stay the tide of retreat:

"The other side of Centreville we had overtaken Senators WADE and CHANDLER, or saw them in the crowd, the Sergeant-at-Arms of the Senate, and a Mr. Eaton, of Detroit, with whom we were in company much of the way afterwards.

"WADE planted himself with a cocked 'Maynard' in the attitude of battle [laughter]; CHANDLER with a revolver, near him; and we planted ourselves—except MORRIS—by them; and all with loud voices commanded one and all to halt, or have their brains blown out. Our action instantly checked them. Many on horseback undertook to dash by, and we seized the bridle-reins of their horses and compelled them to stop.

"Seven men staying a crowd maddened and desperate with fear; WADE, firm and bold as an old lion; CHANDLER frantically excited, and the rest of our band struggling, commanding, entreating, and threatening. AS FOR ME, I ACTED JUST AS YOU KNOW I WOULD WHEN THOROUGHLY ROUSED—[laughter]—caring for nothing and nobody, and determined, as we all were, that the men should stop there."

**Mr. GURLEY.** I wish to ask my colleague—

The CHAIRMAN. Does the gentleman yield the floor to his colleague?

**Mr. Cox.** I do not mean to convey the impression that my colleague wrote it. It is a scrap of history, written by a Republican Congressman.

**Mr. GURLEY.** I desire to say I am not the author of it.

**Mr. Cox.** But to the account given in this letter. It is this Senator WADE, "firm and bold," whom my colleague eulogized as so "brave," and who was heralded in the New York "Tribune" as likely to succeed the sick and dying McClellan a few weeks since—who was urged by certain parties for the post now held by Mr. Stanton, and whose reelection to the Senate is so much desired now by a faction at home, and who is lugged into this debate to be glorified here that he may shine at home. It is this Senator WADE, with the aid of CHANDLER, who "cocked his Maynard in the attitude of battle" [laughter], and helped, with the "calls of order" from the other Congressmen, to stay the maddened crowd of fugitives. The people who have been under the impression that the crowd never stopped till they got into Washington, will now be gratified to learn that the Congressmen won the Bull Run battle against our own soldiers. [Laughter.] I refer to this precious bit of history only to show how Congressmen fit themselves for military criticism.

My colleague, yesterday, said he was at Bull Run, and made as good a retreat as Sigel. He was asked then about the battle of Fredericktown, in which he said he was present.

**Mr. GURLEY.** I did not say I was present at that battle.

**Mr. Cox.** Very well. He showed in answer to the gentleman from Illinois [Mr. KELLOGG], whose brave brother-in-law fought that fight, that he knew nothing about it. My colleague said he preferred not to go into "details." I wanted the details, sir. I needed them to estimate the

military experience of my colleague. If his part has been as inglorious there as it was at Bull Run, I submit that I must be careful how I take his conclusions about McClellan.

There will be, Mr. Chairman, empyrics in medicine, pretenders in religion, pettifoggers in law, mushrooms in vegetation, secessionists in Government, and snobs in society; and we must not be surprised at military wiseacres in Congress! [Laughter.] Since my colleague has hurled the glove at McClellan, I have a right to examine his claims as a critic. He admits being at Bull Run. His masterly activity on the retreat he admits. How that retreat was effected I only know from rumor. I have seen it reported—and perhaps it is as apocryphal as some of the facts upon which my colleague arraigns General McClellan—that my colleague, after his fatiguing race to Centreville, and having passed that point with the speed of Gilpin—and not having the benefit of a carriage like the Congressman who kicked out of it the tired soldiers besmudged with their cartridges in battle—was careering along like the devil [laughter] in Milton, where he is described as flying

“O’er bog, or steep, through strait, rough, dense, or rare,  
With head, hands, wings, or feet pursues his way,  
And swims, or sinks, or wades, or creeps, or flies”—

until luckily he met—what think you, noble Representatives?—a herd of stampeded cattle, who were from my own beloved district—Texas cattle, sir, wintered in the Scioto valley, and selected by their drover for their stampeding propensity [laughter], when, seizing upon the extreme rear of a noble bull, he was borne from the field, holding on with vigorous prehension to the tail of the animal! [Great laughter.] This was Bull Run indeed!

Mr. GURLEY. That is a poetical sketch of my colleague. It is a thing that never took place.

Mr. COX. I am glad to hear it.

Mr. EDGERTON. I rise to a question of order. It is out of order for members of the House to applaud, cheer, or laugh in the manner they have been doing (laughter), and I submit—

Mr. COX. Does the gentleman make that point on me? I have not applauded, cheered, nor laughed.

Mr. EDGERTON. I submit that order should be preserved on the floor of the House.

The CHAIRMAN. The point of order is well taken.

Mr. EDGERTON. I hope the Chair will enforce the rules.

The CHAIRMAN. The Chair is satisfied that when gentlemen consider the impropriety of any disturbance, it will not occur again.

Mr. WYCKLIFFE. I acknowledge a violation of order. I laughed; but for my life’s sake I could not help it. [Laughter.]

Mr. COX. I will do justice to my colleague [Mr. GURLEY.] I put this as an apocryphal case, which I heard as a rumor. I am glad to do justice to him, and to that noble animal, my constituent, and to whom the gentleman should have apologized, if the story were true. I was about to commend this strategy of my colleague, for its quick sense of the commissary advantages. I deprecate his drawing on that or any experience at Bull Run to read the gifted McClellan and this Congress a

homily on military affairs. The ancient warriors rode in their scythed chariots; the warriors on the South American pampas dash off with their lasso on horseback; the ancient Germans went into battle as our Indians do, with terrific yells and in painted horror; the courtly knight dashed into the tourney with iron-clad armor and vizor down. Various as human ingenuity are the modes of human warfare, both on the advance and in retreat; but never, sir, in the accounts of Xenophon or Marshal Saxe; from the time of Joshua to General Taylor; in the contests of Achilles or Garibaldi, have we so unique a performance as this supposititious race of my constituent and my colleague from the fields of Bull Run. [Laughter.] Does he claim that this, if true, would make him a military expert?

But my colleague was undaunted. As soon as Bull Run was over, and Congress adjourned, the telegraph thrilled both in wire and pole to bear the tidings West, that "Colonel GURLEY, of Ohio," was about to assume the post of aid to General Frémont. Frémont was then in the ascendant. Before him lay what seemed to be the enchanted chambers of power. He had the magic lamp, which made gold as common as the pebbles, and my colleague hastened to his side. Some men smiled. They thought it strange that a minister should forget the beatitudes of the Sermon on the Mount for the disquietudes of a Missouri camp. [Laughter.] They thought that the affluent experience of Bull Run was not of that kind to excite confidence that my colleague would shine in the new field of Mars to which his patriotism hurried him. But I, sir, knew my colleague better. I admired his patriotism. I thought of Peter the Hermit. [Laughter.] I saw in his hand the crozier and the sword, and Bull Run did not obscure the sign in the sky—in *hoc signo vinces*! I had read in Ivanhoe of the priestly Knight of Malta; and I knew that this new "son of Malta" [laughter] would carve out such a reputation that the muse of history would proudly stoop from her Parnassian seat to say: "*Let it be so recorded.*" [Laughter.] But, sir, disappointment followed close on expectation. A week—perhaps two, or three—and Frémont lost his magic lamp. He waned under the consuming lens of "BLAIR'S rhetoric." [Laughter.] His ill-starred fate was perceived by my colleague. At this critical juncture the only parallel I can find for my colleague is the description which is given of Job's war horse: "Canst thou make him afraid as a grasshopper? The glory of his nostrils is terrible. He paweth in the valley, and rejoiceth in his strength. He swalloweth the ground with fierceness and rage; neither believeth he that it is the sound of the trumpet. He saith among the trumpets, ha! ha! and he smelleth the battle afar off." [Great laughter.] The parallel fails only in one regard. While the war horse of Job was advancing, that of my colleague was retreating. Leaving his campaign in Missouri unfinished, he flew from Fremont to Ohio, with the "certainty, celerity, and security" of a star bid in the Post Office Department. [Laughter.]

What he learned in his bloodless campaign in Missouri; how much he perceived of the *value* of the fortifications around St. Louis—in cash, I mean; what estimate he made of the strength of the Frémont horse; what martial achievements he witnessed in the antechamber of the short-lived western General, he did not, and we cannot, tell. One thing he

corrects to-day, and we must deduct *that* from his military life, that he was not at the battle of Fredericktown, though I understood him yesterday to say he was there. But has my colleague any actual experience? Has he ever killed any one? Did he ever see a man killed in battle? Did he ever speak to a man who saw a man killed in battle? Did he ever hear the whiz of deadly lead? Was his heart brave and his face unblanched? My colleague quoted that Fredericktown fight to show that a battle could be fought and won without McClellan's orders, and in spite of orders. That was his point, if any. Now, I happen to know that there was nothing in General McClellan's orders to forbid that movement on Fredericktown. As I understood the case, it was fought by Colonel Ross, who was sent by General Grant to follow after Jeff Thompson. He overtook him unexpectedly, and fought well. General Grant approved and complimented his action.

I wish that my colleague would cultivate some faith in General McClellan. He is a minister of the Gospel, a Universalist minister, and is full of faith in the salvation of all men. I glory in according to him the fullest "soul liberty" in religion. His creed includes the salvation of all—embracing in its comprehensive faith Jeff Davis, Jeff Thompson, Wigfall, and all that crowd of conspicuous sinners. [Laughter.] He believes that Zollicoffer is now in glory; he can even see Humphrey Marshall entering, as my colleague from Cleveland once said of John Brown, "the pearly gates of Paradise"—and that too without the enlargement of the gates of Paradise or the lessening of the bulk of Marshall. He can, with his eye of faith, and in his universal benevolence, see the Falstaffian Kentuckian, this mountain of secession mummy, squeeze through the celestial doors [laughter], and larding the golden pavements of the New Jerusalem [laughter]; but he cannot exercise a little faith, just the size of a mustard seed, in the prescience, skill, and sagacity of our accomplished young general.

Oh! if there is one thing more beautiful than another, it is that trust which we repose in Another in the dark hours of trial and death. It is said that reason was the first born, but faith inherits the blessing. Reason is apt to be fallible, short-sighted, eager, impetuous, and impatient of contradiction; while faith is gentle and docile, ever ready to listen to the voice by which alone truth and wisdom can effectually reach her. God has created two lights—the greater light to rule the busy day—reason; the lesser to rule the contemplative night—faith; but faith shines only so long as she reflects something of the illumination of the brighter orb. Where a man has no faith he has no light of reason. There are some things in which a man must exercise his trust. The American people, unlike my colleague, have read the history of General McClellan. They know his military studies, his travel and observation, his practical railroad life, his mode of dealing with men and bodies of men, his prudential reserve, his unflinching patience, patriotism, and confidence in his own resources. They know that the enemy would have been glad to have had him at the head of their forces. They know that he has never blundered; that he is safe, if not brilliant; that his power to surprise and combine are rare qualities of his military genius; that his knowledge of topography, engineering, and field strategy, his method and industry, and his quick apprehension



of military strength and weakness, eminently fit him for this high command. Knowing this and reasoning upon this, now that the night is upon us, they will keep their faith in him, and no hostile criticism of the gentleman here can shake that faith. The attack of my colleague is like that of a "pigmy with a straw against a giant cased in adamant."

My colleague is not satisfied with any thing short of an advance at every hazard. He is not satisfied with the President, for the latter defers to McClellan; not satisfied with any commander-in-chief, for no one can command even three hundred thousand men; not satisfied with what has been done; not satisfied with what is to be done. He would discourage all our efforts, and make taxation weigh like a useless burden on an anxious and saddened people. His policy would disorganize the army, and realize his theology by making a hell on earth [laughter] without giving us the satisfaction of a future state, where secession may have its fit eternal doom. [Laughter.]

So much for the critic. Now what is the criticism? First, he carries us to Missouri, and says that General Curtis was sent with some ten thousand men against Price, when there was almost a certainty of Price's capture, when all at once an order came from a general officer, either there or here, which called a halt, and nothing was done. Now, my colleague meant that either General McClellan or General Halleck, by his hesitation and delay, has allowed the campaign against Price to be suspended, if not abandoned. I do not care which general he meant; it is simply not true that either of them has been thus derelict. The facts are these: Generals Curtis, Sigel, and Asboth had been ordered toward Springfield to attack Price, if it was thought best in their judgment. They sent forward a large cavalry reconnoissance, and found that indefatigable and able General Price in such force that they concluded to hold a council of war, and decided that six additional regiments were needed. On notifying General Halleck, he at once ordered them from General Pope's command near Sedalia, to move on to the scene of operations. General Halleck's opinion, in a letter received by General McClellan only two days ago, was that they would either beat Price or drive him out of Missouri. Perhaps my colleague never got as far as Springfield, and he does not know the strategy of Price. Price has ventured to appear in force in southwestern Missouri; but he takes care to be within convenient reach of the Boston Mountains, where he can hide in that almost inaccessible locality, and where it is easier for him to go than our generals to follow. But it is utterly unjust to General McClellan to say that he has restrained the eager impetuosity of the Missouri soldiers. General Halleck has received no orders inconsistent with the most prompt movement in Missouri. When General Halleck took command of the army in Missouri, he found mountains of difficulty to overcome—as Buell did in Kentucky, as McClellan did here—in the organization and equipment of the troops. General Halleck found, it is true, a fine paper organization. He has labored with a statesman's foresight, a publicist's learning, and a soldier's skill to bring order out of chaos. He found troops without concentration, and required arms, transportation, and supplies, which General McClellan had strained every nerve to afford. There has been no delay by any orders of General McClellan. His orders to Halleck, as to Buell,

have been to hurry his movements as fast as it was safe and possible. I state these as the positive facts of the case; and if gentlemen want the facts, let them go to the headquarters and they can have them.

Again, my colleague makes the specific charge that he is informed, on authority which he is not permitted to question—nor I suppose to quote—that some ten or fifteen thousand Confederate troops, near Romney, were in the power of our army of forty thousand, and that the capture so easy was not made, because an order came from headquarters here not to advance. This is a charge as sweeping as it is irresponsible and groundless. I do not care who is his authority, I question it here, and now. My colleague reads certain telegraphs which have strangely come into his possession, to show that Lander and Kelley despatched that they could take the rebels, and all that was wanted was an order; and presto! they are taken! We have had a good many such successes in anticipation. I believe we had one at Picketon. It is said that General Lander telegraphed and General Kelley sent a messenger to apprise each other of the absolute certainty of success. General Lander I admire for his caution and intrepidity; but I will state the facts to which I suppose my colleague refers. I state them correctly. General Lander went to relieve General Kelley at Romney, Kelley being sick. He reached Hancock on the 5th of January. He found the enemy under General Jackson, on the other side of the river, in considerable strength—say fifteen or sixteen thousand. The enemy had driven a few of our troops across the river. When General Lander reached his post, the enemy were shelling, or about to shell, Hancock. General Jackson summoned General Lander to surrender. Lander declined. Jackson shelled away at Hancock without effect. Lander sent for reinforcements. General McClellan sent one of Banks' brigades by forced marches at once. While there, General Lander sent two or three long despatches, suggesting various movements to cut off Jackson. *General Jackson had a shorter distance to return to Winchester than General Banks had to march to cut off Jackson's retreat*, besides the river, which it would take forty-eight hours to cross, as they had no ready means of crossing. General McClellan refused to trust a command to cross the river under those circumstances, with no chances of retreat provided. General Lander then sent another despatch to General Banks, criticizing the President, General Banks, and others; to which General McClellan replied that General Lander was "too suggestive and critical." I think here is the rub; McClellan had seen enough of the Ball's Bluff business—that affair to which I refer only to say that no one attaches the responsibility to General McClellan for that terrible disaster. He knew what the gentleman from New York depicted so graphically, that to cross a river like the Potomac, in the face of an enemy, and with no means of retreat, was almost insanity. He did what a prudent general, having his own plans matured, ought to have done; and here I distinctly say that General Banks wrote a letter, in which, from his standpoint, he entirely commended the action of General McClellan. And now, and here, we have our general arraigned by my colleague on facts not authentic; and when, so far as we can see, my colleague's military experience does not reach so far as to tell, by practice, the rear rank from the front, or the breach from the muzzle of a musket!

I have replied to these complaints in detail. Now for these general complaints of no movement, so glibly rehearsed by the gentleman. It is complained that General McClellan has not moved, that nothing has been done, and that nothing is about to be done; that he does not let curious people know what he is about. If he is doing nothing, as they allege, he has nothing to divulge to these curious gentlemen. If he is doing something, the very way to undo it is to let them know it, for they are as leaky as the present weather, or Oregon, where it is said to rain fifty-two weeks in the year. But has he done any thing? I say that he has done all that he could safely. McClellan has not merely perfected the defences of Washington and the Potomac; but, considering the fact that the force and spirit of the South are concentrâted here on the Potomac, and near our capital, and considering the untoward season, weather, and roads, is it nothing that he has, as a Richmond paper asserts, held Beauregard and his army as in a vice; and that, too, when the enemy have all the advantage of an equal army, a railroad for concentration in the rear, and a power of combination, impossible for our general? But he has delayed too long here; and he is taken to task now because he does not move his army to certain destruction, by assaulting an enemy equal in number to his own, and that, too, in their intrenchments. My answer to this querulous questioning is, first, that my colleague himself gives a reason why no movement could have been made the past three weeks, because he says that the artillery would go under the mud. Very well; does he want that done? Had the roads been on the 21st of July last as they are now, my colleague would not have been able to have escaped the companionship of my friend from New York. Second, when General McClellan took command here—I say it without any desire to reflect on General Scott—he found things disorganized, and no combinations between different parts of this grand army. He had to construct intrenchments, and make the army effective in many details. This he has done. Indefatigable even unto sickness, he has accomplished what my colleague's "brave WADE" could never have done, had he studied tactics and war for a century. And third, he never contemplated a movement on the enemy's intrenchments. It is not too much to say here that he intended first to have General Buell get the Tennessee Railroad; that for this end he has given all his energies to aid him and hasten him in this purpose. All that Buell asked for—arms, transportation, troops—have been furnished. When General Buell took command, he found his troops straggling and scattered. He had to gather them, and concentrate and form them in divisions. He has had bad roads and bad weather; but I know the fact, when I declare to this Congress and the people, that no delay of General Buell's movements is attributable to any orders from McClellan. On the contrary, he has ordered him to hasten with all despatch; not to lose a day or an hour in the accomplishment of the design to seize the Tennessee Railroad, to the end that not only shall Eastern Tennessee be opened to the army of the Union; not only to give relief to the Union men of Tennessee, about whom my colleague makes so injudicious a jeremiade; but to the grand aim, to cut off this rebel army of the Potomac, not alone from the line of their supplies, but from their line of retreat!

In Kentucky we have more than one hundred thousand soldiers, ready,

eager, active, and triumphant whenever they have had any chance in a battle. McClellan's orders are for the speediest movement there possible. My colleague praises the recent victory of our troops at Mill Spring. I share with him, as my constituents did with his, the pride of that hard-fought encounter; but I will not shame my State, which called McClellan to her service, by plucking the laurels from his brow, when there is not a soldier in that battle who will not rejoice to see him wear them, as well for his conduct in Western Virginia, as for the strategy by which even the Mill Spring battle was directed, though at a distance. It was, as I said, a part of his design upon the Tennessee Railroad; and there is no impediment, but every encouragement from him, for General Buell to forward the movement to that desired end. In Eastern Kentucky, Humphrey Marshall has proved that while his spirit was willing, his *flesh* was weak [laughter], before the Ohio soldiers under Garfield. Zollicoffer has been killed and his forces routed; and nothing but the impediments of nature prevents our soldiers from lifting our ensign upon the mountains of Tennessee, North Carolina, and Alabama. In fear for the fate of Memphis, Beauregard is hurried out to Columbus, Kentucky, to avert the northern avalanche which impends there; while Buell, with consummate skill, is drawing his fatal lines around the Confederates, as the lines have been drawn in Virginia.

But it is said the Potomac is blockaded. So it is; but it is of no practical disadvantage. For all the purposes of supply, we are in communication with every part of the north. There are compensations, perhaps unknown to my colleague, for this seeming disadvantage. Would that he would exercise his faith in some things inscrutable to him. But is there no credit to be given for the retention of Maryland; the rescue of the Virginia eastern shore; the constant preparation and discipline of an army of one hundred thousand men here? And all this with the late Secretary of War dabbling in slavery questions and trafficking in contracts. Western Virginia we have held against the hostility of the disloyal. Floyd has been compelled to decamp; and from the mountains to the Ohio our right there is none to dispute.

But, sir, although General McClellan has had charge of all these matters, and is entitled to share their merit, it was not my purpose to paint a picture of our successes. We have gained as yet no great bloody battle commensurate with the armies in the field. Indeed, sir, I would prefer that the war should be carried on and ended by bloodless tactics rather than by bloody carnage, if it were possible. I would leave as little hate as possible as the legacy of this conflict. If it were possible to close this war by the melting away or capitulation of the Confederate army, the country would prefer it; General McClellan is not making this a war of vengeance, but a war for the restoration of the Union. To this end he has, by his comprehensive energy, seized the coast from Ship Island to Fortress Monroe. There is no example in history of a sea coast so extensive, and a country of such area, surrounded and closed in by such a superior force, as is the rebellious part of our land. As the curtain lifts and this procession of facts transpire, we shall see the Union element of the South dilating and emerging from its despondency. We shall see the loyal men coming forth and gladly seizing the musket to rally to the old flag.

The great mistake on the part of these military fledglings, who criticize the conduct of the war, is, that they habitually underrate the extent and strength of the rebellion, just as they underrated and contemned the alleged or fancied grievances of the South and their hold on the southern mind. I venture to say that this is the capital delinquency of the administration, if they have been delinquent. Had they realized the fact "that a considerable body of insurgents had risen against the sovereign," which Vattel alleges is the test of a civil war, with all its appurtenances of a humane code of warfare, the exchange of prisoners, &c., we might have had less difficulty and more honor in the conduct of this immense ordeal by battle. Those who do not recognize the fact of the immensity of this rebellion will find at every step difficulties about belligerent rights on sea and land, and inhumanities which would sicken the heart of a savage. We must learn by experience, if not *a priori*. Even my colleague, with his Bull Run retreat, is yet in his nonage. He must resort to the Baconian system of induction, and by experience learn, and begin to learn by being a "child in arms." [Laughter.] In surveying this grand field of action, from this capital to Santa Fé, he makes the mistake which the savant made when he supposed the moon annihilated, because an animalcule had crept over the disc of his telescope and obscured the view. Let him take another glass and clear his vision.

This presumptuous dictation to our generals is only a small illustration of what we see here in a larger measure, when gentlemen undertake to interpret the inscrutable designs of Providence to sustain their finite views.

These political "cuckoos, who breed in the nest of another trade," these civilians, who go on chirping about war as if they were trained to it, when, in truth, they are only trained in the political convention and the talk of Congressional Globes, cannot apprehend that this revolution, which is the work of years and the movement of millions, is any thing more than a little derangement of the political machine, which will regulate itself by some political compensation, or some act of revengeful confiscation; when, in truth, it can hardly be corrected without breaking the machine, or at least retarding its motion. It is so stupendous, sir, that it can only be likened to the ocean, which lifts itself up under a darkened sky and amid rolling thunder, and resists the exercise of any thing short of Supreme power with an elemental force that defies all the little expedients of carrying man.

These complaints about the war are getting as common in the press and the House as they were before they produced the Bull Run disaster. A few of these impatient people then learned a lesson from their incautious impulsiveness; but here we have it again. They belong to that class of skeptics who take every thing incomprehensible to their feeble sight as unknown and non-existent. They cannot see McClellan doing any thing; therefore he does nothing. They are not partners in his confidence; therefore he does wrong. He has not rushed about in wild theatric style; therefore he is unfit. He has no retinue, no laced and gilded supernumeraries, no blare of trumpet and boom of guns to announce himself here and there. He has no élan, no dash, no plumed nonsense; therefore the public faith in him must be sapped. Most of all, he regards this as a great war for the Union and the Constitution, for the salvation of the white

man's free government of America; and because he does not play General Phelps in proclamations, or General Frémont in deeds of manumission, he is abused and maligned.

Who are those that thus question McClellan's ability? Did they see and understand his masterly strategy in Western Virginia, the fame of which is the pride of the western soldiery? Do they know the calm confidence and meritorious patience with which he now pursues his schemes by sea and land, by river and road, grouping whole sections in his comprehensive combinations of strategy, and striving, without irritating and inconsequential skirmishing, to end the war by "a sharp, though it may be a desperate struggle," and thus restore the Union? He has pledged himself to the President that if he live, and be allowed to carry out in action what he has matured in design, we shall soon see our flag triumphant and the rebellion crushed.

These ready military critics have not even the militia training, which was so important years ago, to make them experts. A former colleague of ours, in the days of 1840, when the campaigns of General Harrison were discussed by a brigadier-general of the Michigan militia, with grotesque humor held up to the ridicule of the American Congress the peculiar military studies by which the member from Michigan was fitted to the subtle criticisms on strategy, and the careful reviews of battles. He ventured to believe that the same militia general might have studied the title page of Baron Steuben enough to know that the rear rank stands right behind the front. [Laughter.] Besides, the critic on that occasion had the fortune to have been in the toils, privations, sacrifices, and bloody scenes through which a militia officer in time of peace was sure to pass. It is long since I read that graphic picture of a muster day in the West, touched by the tints of Corwin's facile humor. The troops in motion! the corn-stalks, umbrellas, hoe and axe handles, and other like deadly implements of war overshadowing all the field, when lo! the leader of the host approaches! Far off his coming shines. I need not describe his horse, the rising cloud, the rain, the retreat, the remorseless fury with which the watermelons are slaughtered, and the whisky drunk in a neighboring grocery. [Laughter.] If with such experiences the member from Michigan was regarded then as the prince of military critics, what shall we say now of my sainted colleague, whose gentle life has been passed in the green pastures by the still waters of peace, and whose every prospect was the millennium, in which the lion and the lamb should lie down together, and the little child should lead them. Oh! how it jars to hear the voice so often raised in benediction and prayer, and tuned to the sweet accents of love and mercy,

"Splitting with tremendous sounds our ears asunder,  
With gun, drum, trumpet, blunderbuss, and thunder." [Laughter.]

If a militia general was so well fitted for the task of criticism on war, *a fortiori*, what heed shall we not pay to my reverend colleague, whose only experience has been that of a Bull Run retreat. Such critics ought at least to know a spear from a pruning-hook, or a sword from a ploughshare. They ought at least to tell an ambulance from a caisson. They ought to bite a cartridge without biting their tongue. The only fuse

they know of is a political *fusion* ; they can deploy around a convention or caucus, and fire their political thunder from the batteries of a demagogue, masked with the negro. If they fired a gun and should hit, they would do it as did Winkle when he killed the rook—he shut his eyes and blazed away in timid despair. My colleague is one of those whose politics and prayers have ever been to be delivered from the men of war. In times past he has thought more of Saint Peter than of saltpeter. When the Mexican war was declared, the class to which he belongs echoed Sumner's "True Grandeur of Nations," when he said "there was no war which was not dishonorable, and no peace which was not honorable." They sang the ironical Yankee slang of Hosea Bigelow to the recruiting sergeant of Colonel Caleb Cushing :

"Fife away, you fiffin' feller,  
You may fife till you are yellor,  
'Fore you get a hold of me."

There, away down in some New England village, "they kind o' thought Christ went agin war and pillage, and that eppyletts warn't the best mark of a saint." Now, they are willing to swear "that the apostles were rigged out in their swallow-tail coats, an' marched round in front of a drum and fife." Now they agree to the ironical verse :

"John P.  
Robinson—he  
Says they didn't know every thing down in Judee."

These men whose lives have been dedicated to considering the horrors of war and slavery, and whose consciences were very tender about the down-trodden when they wanted votes, now undertake, by congressional committees, declarations, and military diatribes here, to set squadrons in the field, and to show McClellan how he is not doing it, or how he might do it with the aid of armed blacks so bravely and all at once. Not satisfied with the President of their choice ; not content with that which they voted in the Crittenden resolutions as the object to which the war should be devoted ; not happy in the progress of a campaign which, so far as General McClellan is concerned, has been comparatively successful, and certainly without blunders, they want a movement "at all hazards," even if it moves the country and the Government to secession, dictatorship, chaos, or *destruction*. Such political dyspeptics and martial zanies ought to be sent home to teach boarding school misses the doctrines that brought many members here—the beauty of John Brown's life, and the glory of his death.

Judging by the remarks made here, one would infer that these gentlemen were all ready to receive and provide for the four millions of blacks who are to be freed by the war power ; that the corn bread and fat pork were all provided for the jubilee of freedom. But where will they get the food, or where will they fix the *locus in quo* for the festive scene? In Kentucky?—Ohio? Some of our soldiers, who have just fought so nobly under General Thomas, have written complaints that they get clothes through which they can put their fingers, and chicory for coffee. We do not even feed decently our white braves ; but these gentlemen, who reason so lunatically, think that there is some peculiar virtue in a colored

child or woman, and that the Lord somehow will provide for them as he did for Elijah with the ravens.

Why, do not these extreme gentlemen know that they are, in some part, responsible for this war? Does my colleague from Cleveland [Mr. RIDDLE] want me to prove it by his own speech? They are only fighting what we advised them would come by their action. We Democrats, with McClellan at our head, are now helping them; and how are we met by these ingrates? No, they are not fighting it; but they think they are moving the wheels, when they only sit on the axle and buzz their murmurs about McClellan and the forces which move the chariot of war. What good comes of this sort of debate here and now? Talk about milking a he-goat in a sieve, and it is sense to this. There is a little smack of propriety in this latter idea; but what can we say of this exhibition in a deliberative body, whose only duty it is to increase the army and the revenue, discussing the disposition of the slaves before we get them, and the movements of General McClellan, with the blankest incapacity to understand them. It is too ridiculous for serious controversy. It can only be ridiculed. Yet we have civil warriors, whose only fight is logomachy, barking at General McClellan; and for what? Because he does not proclaim liberty throughout all the land and to all the inhabitants thereof. Ah, there is the trouble! Can you wonder that Wendell Phillips, whose speeches are hailed so rapturously by this class, declared that he should deplore a victory by McClellan, because the sore would be salved over, and it would only be the victory of a slave Union; and that he thanked Beauregard for marshalling his army before Washington, because it conferred upon Congress the constitutional power to abolish slavery? Nor would I wonder to see my colleague from the Cleveland district, who lectured us on our duty to the Union upon the slavery question, rehearsing again his contempt for the Union, which he expressed in his printed speech made at Cleveland on the day of John Brown's obsequies, when he said that no purer spirit than John Brown's had ever entered Paradise for the past thousand years; and that he would rend the Union to destroy slavery, though hedged round by the triple bars of the national compact.

I did intend, Mr. Chairman, to review some of the bills introduced here for confiscation and emancipation, and to discuss their feasibility and constitutionality. But I am glad to announce to the country that there is no hope of such suicidal legislation passing the present Congress. That announcement, which the opinions here justify, will give relief to our Army and to the Union men everywhere. One of the bills of this black batch pretends to strike out the State of Florida. This bill has the paternity of my colleague [Mr. GURLEY]. It is a part of his military plan. While striking for the Union and the flag, with every star on its folds, he would blot out the Statehood of Florida. He would have its everglades and swamps devoted to the business of negro apprenticeship, with the Federal agents as taskmasters, and the Republic as a cotton producer and speculator. Here is the spot where my colleague would imparadise the African. He would have a Federal master watch the negro apprentice, and see to it that he produced a living from that soil, where dying is so much easier. He would have us drop down the little pickaninnies amidst the haunts of the alligator. He thinks he sees here an opening for the



rising generation of colored children; knowing, as my colleague does, that they will all be saved in the other world, he is willing to risk their sudden disappearance here. I can well imagine the holy horror which will pervade the infantile African mind when it comes to understand the confiscating character of my colleague's bill. I can well understand how the gentleman from Pennsylvania [Mr. CAMPBELL] must have startled the people of his State by his proposition to hang all the public plunderers, and thus depopulate so terribly his own State. But that was humanity compared to this scheme of my colleague, which has only a parallel in Dean Swift's plan to get rid of Irish children by eating them. Suicidal absurdity can no further go than this! All such schemes are in derogation of our whole system of polity. Their authors seem bent on prying away mountains of granite with levers of straw!

Such schemes as are here discussed will do no good to the blacks nor the whites, unless a scheme of forced expatriation be at once started; and that is attended with formidable obstacles. The North will become in turn the worse than masters of the slaves. For very self-protection and to prevent such a ruinous and adulterous mixture of society, the North will rise to drive the free blacks from their soil. Interest, which is stronger in society, in the end, than philanthropy, will issue its edict of expatriation, and no good will accrue to the black or white. If you would barbarize the war, undignify its object, and, indeed, make it a failure in every sense, you may follow the impracticable schemes of New England politics, and their neophytes in the country. These emancipation schemes will divide the North, and create new dissension and rebellion in the border States. They will paralyze the efforts of the army, and make cold and indifferent the now ardent and anxious friends of the Union. This division of the North now, when all are united by State legislation and Federal action to defend our flag and sovereignty, would tend to destroy the hope which has buoyed us in this great conflict.

It would be an act of fraud on the soldiers and officers of the grand Army of the Republic. They were called out by a proclamation of the 8d of May, which was in harmony with the action of Congress. The Crittenden resolutions were an explicit avowal of the only and legitimate object of this war. (House Journal of last session, p. 129.)

To divert it now into a war against the institution of slavery will be to make it the "violent and remorseless revolutionary struggle" which the President fears. Besides, it would make it a gigantic swindle upon the people, upon our votes for taxes, and upon the soldiers who imperil their lives in defence of the Union and its authority. This was not the understanding of a large party in this country who rallied at the call of Douglas. He most distinctly disavowed such an object. He would not by a Federal army, any more than by a Federal Congress, interfere with State laws and institutions. So he declared over and over again. This forum is no place for its discussion, much less for its enactment. If the State Legislatures, in their sovereign will, choose to do this, it is for them, not for us. We have no right; and it is none of our business to make the Federal Government a moral reform society. This attempt has broken the Union; and the continuance of the effort may widen the breach until the separation is everlasting. As most of our ills come by slavery discussions and

laws, why may we not now pause? Why do not gentlemen on the other side, who have now before them the results of this most troublesome agitation, cease their clamor? Those who keep it up are disunionists. Their talk is treason. They deserve a traitor's fate as much as Davis or Wigfall. Is it not enough that a million of men are employed in violence and bloodshed; not enough that our trade and commerce are paralyzed; that our revenue has fallen off over \$32,000,000; that by 1868 our national debt, as estimated by Mr. Chase, will be \$897,322,802; not enough that we are to pledge \$150,000,000 this year of taxation to meet interest and expenses; not enough that my own State pays one-tenth of this; is it not enough that our currency is to be vitiated, and bankruptcy to overwhelm us; not enough that our highways are closed, our flag insulted, our sovereignty derided, our whole nationality in peril; not enough that a dictator is openly threatened; not enough that it is declared here that the Constitution shall be overlaughed, on the plea of necessity; that all its limitations shall be overleaped, ruthlessly and aimlessly? Are we to have added the horror of an endless war of hate; the hopelessness of all reconciliation; the prospect and fact of a divided North; the burdens of a taxation only equalled by the monarchies of Europe? Heaven forbid! If God in his mercy would strike down, not only politically but physically, the marplots who are warring on their own Administration and Government, it would indeed be a blessing compared with this prospect.

We may differ here about our interior government. We may have our parties of Administration and opposition. These differences of opinion are privileges of constitutional sanction and individual conscience. Matters may go on in our Government as to which we may have a sad and painful reticence, and as to which we may withhold our denunciation out of regard to the common weal. Even patriotism may for a time be silent in the eclipses of a mismanaged administration of a good Government. The national feeling may still be paramount, and all may go well. Thousands of our people now regard with dampened spirit and sad silence the condition of our country; and they are almost dismayed by our terrible present and still unpropitious future; yet not altogether despairing, but seeking in the unity of the people, yet loyal, the hope of restoration. They will be patient in paying taxes, in trusting our commanders and rulers, in giving their sons to the war and their daughters to the labors of beneficence.

But what will become of this sad yet undismayed patriotism, if the hopes of Union are to be quenched by this persistent and unreasoning fanaticism? Are not such schemes fraught with the very vital and permanent principle of mischief? If so, will not the very essence of national existence be irrecoverably lost by their success? We shall lose our place among the nations, our relative importance on the globe, our physical independence, our weight in the equilibrium of powers, our frontiers, alliances, and geography. These make up the immortality of a nation. They are above the changes of administration and outlive dynasties. He who remains silent when such interests are at stake is treacherous to his land and to his God.

It is in this most vital point that these movements here in Congress, which are the continuation of contumacious fanaticism, will do their mis-

chief. To succeed in their bad schemes these fanatics undermine the young general in command, deride the movements of the army, create impatience, distrust, and coldness, and will rejoice in our ruin. On behalf of the taxpayer, the soldier, the citizen, the patriot, the section I represent, and the very physical and moral relations of our Government, I protest against that dangerous and horrible malversation of our Congressional office, which would usurp the power of the States over their own institutions, seek through the army the further disruption of the Government, destroy the last vestiges of our confederation, and stop its magnificent career among the nations.

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### EMANCIPATION AND ITS RESULTS.

AMBIGUOUS POLICY—EXTREME MEN—CONFISCATION AND KINDRED MEASURES—POLICE RIGHTS OF STATES OVER THE NEGRO—IMMIGRATION AND SUFFRAGE—FREE NEGROES AND THEIR COLONIES.

*Delivered June 6th, 1862.*

MR. SPEAKER: At the beginning of our civil conflict this House passed almost unanimously a resolution offered by the gentleman from Kentucky [Mr. CRITTENDEN] as to the character of the war. It was a pledge that the war should not be waged in hostility to the institutions of any of the States. On the faith of that pledge men and money were voted. Since then that pledge has been broken both in this House and out of it.

Sir, I have watched with anxiety the conduct of this House. No heed is given here to the warning of loyal Union men from slave States. Their advice is met with the cry, "Oh, they are for slavery; and no pro-slavery man can be loyal." No attention is paid to old-time political opponents whose friends are the majority in the field. For aiding to preserve the Union, which they have been taught by their party canons to revere, they are treated to taunts and slander.

Measures like those from Massachusetts, which would hold States as conquered fiefs; which would recognize republics abroad because they are black; which would create equality of black and white, in carrying the mails, such as passed the Senate; which, like the acts of confiscation and emancipation here urged, are to prematurely free the whole or a portion of the black population; all these measures, sir, are subversive of the institutions of the States, and have created apprehension and distrust.

Before the President can crush this revolt, he must reassure and reanimate the public mind. He has already done well in crushing the Fremont and Hunter proclamations. He has done well in protecting General McClellan from the fanatics, who hungered for his overthrow. He has done well in many other respects from which I would not detract by any hostile criticism now. I would sustain my country and its constitution even if I were not on oath so to do. It is in this spirit that I wish that there were no ambiguity in our public counsels. This war can have no end until the President clears away all uncertainty. The more definite the object, the more firm will the Government be in asserting it. Its gen-

erals may conquer, but cannot hold. It may by physical force subdue, but it must do more to reinstate public confidence. It must control the civil and moral elements, by whose influence alone can the subdued be reconciled. I am anxious to believe that the President means right. But of the men who control this Congress I speak plainly. They pull down; they do not build up. They have an activity in destroying; nothing of the genius of man in constructing. Salvation is not their forte. It is their conduct which creates ambiguity.

There is something needed in making successful civil war besides raising money and armies. You must keep up the confidence and spirit of the people. It must not only be animated by a noble passion at the outset, but it must be sustained by confidence in the cause. You dispirit the army and destroy its power, if you give forth an uncertain sound. Is there a member here who dare say that Ohio troops will fight successfully or fight at all, if the result shall be the flight and movement of the black race by millions northward to their own State? Our soldiers will endure great sacrifices, if they think that they are planting the flag over States where it has been shamelessly dishonored, and if they believe that the United States, as they have been made by our Constitution and constellated by time, are to be again enstarred in full brilliancy. But when you make men homeless—when you crape the doors and bedew the eyes of the bereaved—when bloody calamity darkens the hearth and heavy taxes oppress labor, there must be no ambiguity of policy. You wish to put down this rebellion; yet you despise the counsels of the Union men of the South, who tell you that your anti-slavery crusade adds to the rebel army day after day thousands of soldiers and to the southern treasury millions of money. You presume on their forbearance, not caring to know that their lips are often sealed here, because by denouncing you, the secession element which is kept alive by your action in their States, will point to their denunciations of your conduct as a justification of the rebellion. You will justify this rebellion to history, provided only your vengeance and your election are made sure.

Sir, I fear and distrust much which I cannot, from motives of prudence and patriotism, utter. Is it the policy here, as it would seem to be, to force the Union men South into some rash expression or act, by such proclamations as Hunter's, and such legislation as we have had; and then to charge this rashness as an excuse for converting the war into a St. Domingo insurrection, turning the South into one utter desolation? Is it in anticipation of this, that we have arms for negroes sent to South Carolina and Louisiana? We can get no information on these subjects, though we strive for it. Are we to be deceived by the prevarication of this Congress in regard to extreme measures? In the mean time are these extreme measures to be taken as the army advances with its triumphant flag? In the name of God, is no man's hand to be raised to retard the downward, desperate course of these extreme men? Will not the President at once leap to fill the niche in history, pointed out to him by my friend from Kentucky [Mr. CRITTENDEN]? He has done so many noble acts, in spite of the lashings of his friends, will he not change this equivocal situation, and give us reassurance in our doubt and trouble, like that which dictated the Crittenden resolve? Such assurance would make the country ring

with his praises. It would make our taxation light, our duty clear, and our patriotism resplendent beyond all that is written in the annals of man.

I trace the murmurs of discontent which come to us from army and people, to the alliance between Republicans and Abolitionists. That alliance may be natural, but it is not patriotic. The Philadelphia platform of no more slave States, and Republicanism with its Chicago dogma of no more slave territory, may be innocent in intention, but allied with Abolitionism, with its raids and war upon slavery everywhere and its defiance of the Constitution, become crime. Is this alliance the forerunner of that perfect Union when "Liberty shall be proclaimed throughout all the land and to all the inhabitants thereof"? Is it the dawn of that millennial day which shall reflect back the sabre, the musket, and the torch in the hands of the enfranchised African, already urged and voted for by thirty members in this House? We want no more poetry about striking off chains and bidding the oppressed go. Plain people want to know whether the chains will not be put upon white limbs; and *whither* the oppressed are to go. If the industry of the North is to be fettered with their support; if they are to go to Ohio and the North, we want to know it. Nay, we want, if we can, to stop it. As I am anxious to see our country restored to its former condition, I would protest against this ambiguous policy. I have seen a year of cruel distrust of our generals because they were faithful to our Constitution and the Union. I have seen in and out of this House the thieves of character assailing good men because such men had a policy not based on visions of African freedom. The blood of our brave soldiers flows like water in aid of a holy cause. It would be a criminal silence for me to forbear to characterize this cruel, fraudulent change of that holy cause, into such dangerous and suicidal schemes.

Gentlemen on the other side of this chamber have been determined to discuss the causes of this rebellion. One would have supposed that prudence on that theme would have sealed them into silence. Slavery, they say, is the only cause, and their logic is, eradicate the cause, and the war will stop. Slavery is the occasion, but not the cause. Slavery has existed for nearly seventy years, and the United States prospered in its unity. Slavery agitation, North and South, is the cause, and it has been carried on by both abolition and secession. It takes two millstones to grind the grist. From the beginning of secession I denounced it. I believe, in view of all its consequences, that it is the worst crime since the scene on Calvary. But, sir, I am at as great a loss how to apportion the guilt between secession and the abolition which begat it, as I would be to apportion the guilt of the crucifixion between Judas and the Roman soldiers. If there is any difference, it is in favor of the bold parricide, and against the insidious betrayer. And now, as the climax of this abolitionism, we find the Governor of Massachusetts, when called on to send more troops to the aid of the Government, laying down conditions—conditions to his loyalty. He is willing for his people to crowd the roads with recruits, if only the blacks are to be freed by the war, and Hunter's proclamation is left untouched by the President. But if this be not done, it will be a heavy draft on the patriotism of Massachusetts. If the blacks are to be freed; if slavery is to be uprooted. Shakespeare says: "Your if is a great

peacemaker." This abolition "*if*," sir, is an infamous traitor. I could name members on the other side of the House who, though few in number, have kept their faith without ambiguity. But the body of them are led by another class of unmistakable hue, who are ready to follow the conditional loyalty of the Massachusetts Governor, and to free the negroes, regardless of constitutional limitations and consequences.

These destructives, whatever they profess, when they come to vote, like the hues in a prism, melt imperceptibly into each other. Though we imagine that we see a difference between them, yet altogether they make up that light which is to guide us in our troubles. God help us when such light leads! Such friends are like those in the rebel army who approach our soldiers with white flags, crying "Don't fire! we are Union men; don't fire!" and at the very moment of our confidence, they inflict their deadly treachery upon our flag!

But it is ever thus. History shows it. Extreme men drag the moderate men with them. The devil, it is said, holds his own by a hair. He has entered into this majority as he entered into the swine; and they will, by diabolic impulse, be driven *at last* into the sea. At last—but when is that time to come? When the country is ruined? Must these northern fanatics be sated with negroes, taxes, and blood, with division north and devastation south and peril to constitutional liberty everywhere, before relief shall come? They will not halt until their darling schemes are consummated. History tells us that such zealots do not and cannot go backward. Robespierre, the gentle judge at Arras, in 1783, resigned rather than condemn a criminal to death. In ten years after, filled with the enthusiasm of Rousseau, he claimed for the blacks in the French colonies a participation in political rights, and exclaimed, not unlike members here, "Let the colonies perish, rather than a principle!" But he was the same Robespierre who led the Jacobins to demand the King's head in 1792, who established the reign of terror, and whose motto was, "that to live was a crime." He could take no step backward. Onward, onward from excess to excess, until his name became the obloquy of the world. Only his own death, by the same terrorism, ended his terrible rule. The same result took place at Rome, in the time of Gracchus. It is so everywhere when passion is driven to excess. Our only safety now lies in moderate and patriotic counsels, not rash and vindictive action. *Libertatem in me requiro, non in pertinacia, sed quâdam moderatione positam putabo.* Mr. Speaker, do not think I overstate these perils from extreme men. Have not our best statesmen, like Clay and Douglas, warned us of this time? Does not the venerable statesman of Kentucky [Mr. CRITTENDEN] continue to warn—in vain? Your records are crowded with remonstrances of the great and good against this sectional warfare to uproot a social system, whose result will be a war of ruin. I appeal to you now, as I did more than a year ago to the extreme men of the South, to halt, to consider, before it is entirely too late.

One thing is sure, that out of all this ambiguity, the tendency of legislative action here is to free the slaves of the South and hurl them in hordes upon the North. Events, says Phillips, are grinding out the freedom of the negro; and these abolition bills are events. The confiscation bill passed last week, and the emancipation bill resurrected by a majority of

four after its temporary death, have this meaning. They will not aid to pay the expenses of the war. That part of the title of the confiscation bill which so affirms is a hypocritical falsehood. The gentleman from Missouri [Mr. PHELPS] has demonstrated that. Even Wendell Phillips laughs at such bills. "You might as well," he says, "call upon the poorhouse to pay the expenses of the town. Take away the slaves, and they have not enough left to pay one month's expenses of the war." The "Tribune" sneers at *such* confiscations, and with more than its usual sense, when it says, that they amount to nothing; that you must first get the land and the negroes, and that then the expenses of confiscation and the general amnesty which must follow to all but the leaders, will render your confiscation valueless.

Such bills are not constitutional. That was shown conclusively by the learned jurist [Mr. THOMAS] from Massachusetts, as well as by the Senators from Pennsylvania [Mr. COWAN] and Vermont [Mr. COLLAMER]. They contravene the first and third articles of the Constitution :

"No bill of attainder or ex post facto law shall be passed."

"The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed."

"Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort."

"No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

"The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted."

They contravene the following provisions, among the amendments of the Constitution :

"ARTICLE THE FIFTH. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia, when in actual service, in time of war and public danger; nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor to be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."

"ARTICLE THE SIXTH. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defence."

If, when swearing to sustain these clauses of the Constitution, we have not taken "dicers' oaths," we must refuse all legislation which attains any one for treason. We can declare the punishment of treason, to be meted out by "due process of law" in the proper tribunals. We have already done so. It is death. But for every crime there must be trial and conviction. It is the very essence of despotism to confiscate without such legal impeachment. Against such legislative tyranny the authors of our Constitution framed express clauses. They did it, as Judge Story says (2 *Story's Commentaries*, § 1344), to guard against the injustice and iniquity which England inflicted "in times of rebellion or of

gross subserviency to the crown, or of violent political excitements—periods in which all nations are most liable (as well the free as the enslaved) to forget their duties and to trample upon the rights and liberties of others.” The sentiment of the accomplished men of Congress being against these bills as unconstitutional, resort was next had to the law of nations to justify them. Members, who a year ago claimed that this rebellion was not a civil war, are now quick to find out that it is so, when it will answer the purposes of vengeance and emancipation. The Secretary of War, in his order of April 9, 1862, expressly recognized the rebellion as a “civil war.” When, a year ago, I embodied the doctrine, that from the formidable character and number of the insurgents, the laws of civil war, as between belligerent nations, ought to obtain, copied though my resolution was from Vattel himself, gentlemen inconsiderately voted it down. Vattel (Book 3, chap. 13, § 295) and other authoritative publicists declare what is a public war.

“The war between the two parties stands on the same ground, in every respect, as a public war between two different nations. They decide their quarrel by arms, as two different nations would do. The obligation to observe the common laws of war toward each other is, therefore, absolute.”

Since then flags of truce, exchange of prisoners, and other rules of civilized warfare have been practiced by our Government. England and France have recognized this relation. Now, if the laws of war as between nations prevail in this contest, as gentlemen now argue, then I point to the humane code that private property on land shall not be confiscated, except it be contraband of war. That slaves are contraband when used on fortifications, and are confiscate, is no question now, since Congress has enacted a law making each slave so used confiscate to the State. But if by the laws of the States slaves are personal property, as the courts have decided, then the law of nations reaches them, and they are not confiscate. That law of nations has no exceptions but contraband. It is so admitted by all. America at least has acted on it. Franklin, in his treaty with Prussia; Washington, in his letter to Rochambeau; Hamilton, Jefferson, Clay, John Quincy Adams, Pierce, Marcy, Lincoln, and Seward, have taken it for granted. It is too late to question it. They sought to extend it, in the interest of humanity, from the land to the sea. I have, this session, in a speech on neutral maritime rights, elucidated this doctrine and its history. I have shown that this was the object of the Paris conference of 1856, and of the Marcy amendment proposed to the great maritime powers. To this doctrine the assent of forty-six powers was given, at the request of France. And this was the object of Mr. Dayton, and Mr. Adams, and our other European ministers last summer, when, by Mr. Seward's instruction and under President Lincoln's direction, our nation sought to have all private property, not contraband of war, *munitions de guerre*, free from seizure and confiscation by the cruisers and privateers of belligerents at sea, as it was already thus free upon land. I therefore boldly affirm that this Administration, to its lasting honor, is not only committed to this doctrine, but has favored its extension from the land to the sea. The great men of Europe and of this country have agreed to that doctrine. It was urged to soften the horrors of war, to save mankind from cruel and unjust violence, to limit war and its horrors



to the combatants, to reduce the conflict to a duello between armies, and to save the sea, as the land was already saved by law, from being the theatre of cruel, predatory, and barbarous practices. The reason urged for this doctrine is, that it enables men to make peace, lasting and fraternal, unembittered by cruelties to helpless women and children, to non-combatants, and men of productive industry and peaceful occupations in private life. It is the doctrine of the Saviour of mankind.

The wise men of this Congress have urged, upon similar principles, that all laws of vengeance, confiscation, and emancipation will only prolong and stimulate the rebellion, postpone peace, and frustrate the reassertion of Federal authority. While I would punish the rebel leaders for treason; while I would do it without vengeance, in the name and majesty of the Republic which they have tried to dispart and destroy, I would not make laws, in the very agony of the strife, whose effect will be to strengthen treason, to prolong the contest, and destroy all hopes of a reunion.

But, sir, my opposition to such bills proceeds mainly from other and more conclusive reasoning. Granting that these bills are constitutional, and that they are according to the law of nations, a more momentous question arises. It is no less than the *preservation of the people and society of the North*. You free the slaves to punish treason; you free the slaves because you hate slavery. But what if the punishment falls upon the loyal North? Shall Ohio suffer because South Caroline rebels? Shall the North be destroyed or impaired in its progressive prosperity, by your projects of wholesale freedom of the slaves, because it will punish, cripple, or destroy slavery or the South?

It is beyond doubt that a large number of the four millions of slaves will be freed incidentally by the war. Already ten thousand are freed in South Carolina; as many more in Virginia; and perhaps as many more in the West. It has been computed that already some 70,000 blacks are freed by the war. I see it stated authoritatively that more contrabands followed Gen. Banks's retreat down the Virginia Valley than his troops numbered. These are being scattered North, are becoming resident in this District and supported by the largesses of the Federal treasury. It is said that 18,000 rations are daily given out to negroes by our Government. This is but a small number of those who are freed, or to be freed by these bills. The mildest confiscation bill proposed will free not less than 700,000 slaves. The bill which is before us frees three millions, at least. The bills which receive the favor of the majority of the Republican party will free four millions. Nothing less will satisfy this Congress. That is now apparent. If you do not free all, say the extremists, your war is rose-water. If not all, no peace is possible. It may have been wrong to have held them in slavery. Is it right to set them free, to starve? What is to be done with them? This is the riddle, more difficult than that of the Ethiopian Sphinx. Like that fabled monster, with the man's head and the lion's body, it has a puzzle, and we have no *Œdipus* to solve it. One gentleman proposes to free the slaves, apprentice them awhile to raise money, and then colonize them. This scheme has its advocates. Regardless of constitutional restrictions, he would have us first free them, or as many as are owned by rebels, and buy as

many as are owned by loyal men, and then, by the money raised by apprenticeship, deport them to Mexico, South or Central America. What though it enslave the white labor of the North for a half century! What though it divert the Federal Government into a grand master of apprentices! What though it cost millions! What though it destroy the productive industry of a dozen States! It would be a happy riddance at any price. Such is the argument. But another class say to this scheme: "No; you have no right to send away against his will the African born here. You have no right to buy him. He is entitled to privileges equally with you, direct from the hand of his Heavenly Father, who gave him a charter to live and own himself." This side is championed by the gentleman from Illinois [Mr. LOVEJOY]. Between these two charmers the simple black man stands, as a comic paper depicted him, with grinning mouth and hesitating mind, not knowing which to choose. One of my colleagues, who speaks most nearly the sentiments of the majority here [Mr. BINGHAM], has met the question like a man, if not like a statesman. He denies first that the States have the right to pass laws forbidding the immigration of blacks within their borders.

I will not spend much time, sir, to controvert this doctrine. Such laws have existed in western States and in Ohio unchallenged. Judge Douglas was right when, in his contest with Mr. Lincoln, he maintained that these commonwealths were for white men. Aside from the question of policy, there is an admitted right in each State to make or unmake its citizenship, to declare who is and who is not entitled thereto. That will not be denied. When Minnesota came here for admission, that was settled. But my colleague seems to admit that political privileges, like that of suffrage, may be fixed by State laws. Indeed, the Supreme Court have decided that the State has the exclusive right so to do. If so, by what reason can a State deprive the black race of the right of suffrage, on which depend all laws, all protection, all assessment of taxes, all punishments, even the matter of life and death, and yet not have power to forbid such black race, as a dangerous element, from mingling with its population? The constitution of Illinois, just submitted to the people, denies to the negro the right of emigrating to, or having citizenship in that State. Hitherto the same prohibition has existed in Illinois and Indiana, and other western States. In Virginia, as a police regulation, free negroes are forbidden to emigrate to that State. It was never disputed, never, until Oregon applied for admission. Her constitution provided that no person of African descent, though free, and no Chinaman, should emigrate to that State, or should have the right of suffrage or hold property. In the Globe of the 35th Congress (p. 193 *et seq.*) the debate is reported. A Senator from Maine denied the right thus to exclude black men, who were citizens of his own State, by a decision of the Supreme Court of Maine. He held, as I suppose my colleague [Mr. BINGHAM] holds, that no one portion of the *citizens* of the United States can interfere with the rights of another portion of the citizens of the United States, and that negroes are citizens. In disregarding the decision of the Federal court against negro citizenship, I am at a loss to see what authority the Supreme Court of Maine, or the *ipse dixit* of my colleague, ought to have. But waiving that, it was answered by a Republican Senator from

Illinois [Mr. TRUMBULL], who denied that negroes ought to be placed on an equal footing in the States with white citizens. Judge Douglas, whose word is now so sacred where once it was so condemned, said :

"As to the power of a State to exclude the negro population from her limits, I had hoped there was no dispute at this day. If Maine chooses to encourage a colored instead of a white population, it is her right to do so. These are matters which belong to the sovereignty of each State to decide for itself. Maine has decided one way, Illinois another. I thought that for several years we had recognized this doctrine completely."

He might well have thought so, with the Kansas Topeka Constitution in his mind, which the Republicans had indorsed, and which made it the duty of the first Legislature to pass laws to prohibit the introduction of free negroes into Kansas. At the conclusion of the debate, it was generally conceded that although members might, in their discretion, vote against Oregon on account of this prohibition of free negroes, still after a State was admitted, she had the full right to make what police regulations she pleased as to her population. Oregon was admitted with this constitution. No question has ever been raised, either in the courts of that State or the United States, as to the legality of her prohibition. I know that my colleague argued against the exclusion of negroes from Oregon as unconstitutional, inhuman, and atrocious. He argued the question ably. He distinguished between the conventional right of suffrage and the natural right of locomotion and emigration. He is consistent to-day with his record, then ; but in my opinion consistently wrong. It never was intended, and it is not so written in the Constitution, that the States should give up the right to regulate the character of their immigration. If it were not so, there could be no safety to property, liberty, or life, under State institutions. A community of Mormons or Thugs might take possession of a State, and there would be no remedy. This reserved right for self-protection to the State has never been given up, nor can the delegation of this power be inferred from any general phrase in the instrument like that which declares that "the citizens of each State shall be entitled to all the rights and immunities of citizens of the several States." If it were inferrible, we might then conclude that the Supreme Court of the United States were wrong in deciding that negroes were not citizens. But history and precedent show that the Supreme Court were right ; and although they decided it in the Dred Scott case, no one contends that this part of that decision was *coram non judice*. It is authoritative upon all citizens.

The right and power to exclude Africans from the States North being compatible with our system of State sovereignty and Federal supremacy, I assert that it is impolitic, dangerous, degrading, and unjust to the white men of Ohio and of the North, to allow such immigration. By the census of 1860, in Ohio, we have 36,225 colored persons out of a population of 2,339,559. As a general thing, they are vicious, indolent, and improvident. They number, as yet, one black to about sixty-three whites ; but their ratio of increase, during the last ten years, has been 43.30 per cent., while that of the white increase is only 17.82 per cent. About one-tenth of our convicts are negroes. I gather from the census of 1850, that four-tenths of the female prisoners are blacks, although they compose but one-eighth of the female population of Ohio. In Massachusetts the convicts

in the penitentiary are one-sixth black; Connecticut, one-third; New York, one-fourth. In Ohio the blacks are not agriculturists. They soon become waiters, barbers, and otherwise subservient to the whites. They have just enough consequence given to them by late events to be pestilent. The resistance of the abolitionists to the Federal authority in Ohio, within the past three years, was abetted by colored men, some of whom had received schooling enough at Oberlin to be vain and ostentatiously seditious.

The last Legislature of Ohio, by their committee, gave their *protégés* this certificate of character in their report:

"The negro race is looked upon by the people of Ohio as a class to be kept by themselves—to be debarred of social intercourse with the whites—to be deprived of all advantages which they cannot enjoy in common with their own class. Deprived of the advantages here enumerated, it could not be expected that he should attain any great advancement in social improvement. Generally, the negro in Ohio is lazy, ignorant, and vicious."

If this be true, it would be well to inquire why energetic legislation was not had, in view of the emancipation schemes here impending, to prevent this lazy, ignorant, and vicious class from overrunning our State. Such legislation was asked and refused.

If further testimony is needed as to the feeling of the people of Ohio and the northwest as to the blacks, I refer you to the speech of an Ohio Senator [Mr. SHERMAN]. Speaking in favor of emancipation in this District, he balanced himself on the slack wire after this fashion:

"This is a good place to begin emancipation for another reason. *This is a very Paradise for free negroes.* Here they enjoy more social equality than they do any where else. In the State where I live we do not like negroes. We do not disguise our dislike. As my friend from Indiana [Mr. WRIGHT] said yesterday, the whole people of the northwestern States are, for reasons, whether correct or not, opposed to having many negroes among them, and that principle or prejudice has been engrafted in the legislation of nearly all the northwestern States."

It is a fine thing, the Senator thinks, to have free negroes here; not so good in Ohio. Here they have a paradise; in Ohio, its opposite, I suppose. If the Senator could visit Green's Row, within the shadow of this Capitol, henceforth "Tophet and black Gehenna called, the type of hell," and note the squalor, destitution, laziness, crime, and degradation, there beginning to fester—if he could visit the alleys in whose miserable hovels the blacks congregate, he would hardly be reminded of the paradise which Milton sang, with its amaranthine flowers [laughter], its blooming trees of life, its golden fruitage, its amber rivers rolling over elysian flowers, its hills and fountains and fresh shades, its dreams of love, and its adoration of God. Alas! he would find nothing here to remind him of that high estate in Eden, save the fragrance of the spot and the nakedness of its inhabitants. [Laughter.] If the rush of free negroes to this paradise continues, it would be a blessing if Providence should send Satan here in the form of a serpent, and an angel to drive the descendants of Adam and Eve into the outer world. If it continues, you will have no one here but Congressmen and negroes, and that will be punishment enough. [Laughter.] You will have to enact a fugitive law, to bring the whites to their capital. [Laughter.] The condition of the negroes here is not unlike their condition in Ohio. Perhaps it is worse here

than in Ohio, for their numbers are greater here in proportion to the population. This population already on our hands in Ohio we can take care of; but if we cannot stop more from coming, there is no sense in beginning to colonize the free blacks which we have on hand. I make no proposition as to them now. They do not, except in certain localities, interfere greatly either with our laws or our labor. But the question of allowing more to come in, is the question I discuss, not as to what we shall do with what we have. This is a question as gigantic as the schemes of emancipation. It is a practical question, as the war is already throwing them within our borders in great numbers. Slavery may be an evil, it may be wrong for southern men to use unpaid labor; but what will be the condition of the people of Ohio when the free jubilee shall have come in its ripe and rotten maturity? If slavery is bad, its condition, with an unrestrained black population, only double what we now have, partly subservient, partly slothful, partly criminal, and all disadvantageous and ruinous, will be far worse.

I do not speak these things out of any unkindness to the negro. It is not for the interest of the free negroes of my State that that class of the population should be increased. I speak as their friend when I oppose such immigration. Neither do I blame the negro altogether for his crime, improvidence, and sloth. He is under a sore calamity in this country. He is inferior, distinct, and separate, and he has, perhaps, sense enough to perceive it. The advantages and equality of the white man can never be his. As Dr. Fuller expresses it:

"He sees and knows that it is his color only, that color given him by God, which excludes him and his posterity from this noble and ennobling competition. And now, what must be the effect upon his character? It is impossible but that the worst feelings, envy, hatred, vindictiveness, will secretly work in his bosom, rendering him unhappy in himself, and dangerous to the country. Already have we had fearful premonitions flashing up here and there; and rest assured, nothing but fear represses the utterance, deep and loud, of passions which are only the more fierce because as yet they can have no vent. If the *free African* is to remain in this country, he must either enjoy social equality and amalgamate with the white race, which is impossible, or he will be discontented, unhappy, and will be ultimately exterminated. He would not be fit for freedom, he would not be a man, if he could be satisfied with his position."

If history teaches any thing, it is that it is as hard to make a servile people free, as a free people slaves, and that a conflict of races, which must result from this policy of emancipation, will only end in the destruction of the weaker. Rome, Greece, West India, all point to the great mistake of breaking rudely the social system of a people. It was only the other day that the news from Jamaica told us of the insurrection of negroes, and their attack on a principal city. A year or so ago, if we are to credit Andrew Johnson, the insurrection of negroes in East Tennessee was caused by a fear that the whites would exterminate the negro population *en masse*, from a jealousy of negro labor. In this city, at any moment, we may look for an *émeute* occasioned by the crowding out of white labor by black contrabands. The Government is now paying, to support negroes, thousands of dollars weekly, out of the hard-earned money of the people, raised to put down the rebellion; so at Fortress Monroe; so at Port Royal.

Let us heed the lesson which history has given in other times, as to

what is convenient and advantageous under similar circumstances. Franco broke the fetters from the Haytian blacks, under the lead of Jacobins like the member from Illinois. In less than a half century, the industry and commerce of Hayti were annihilated; the Sabbath, the family, and the school became obsolete; the missionaries were more in danger—as the historian of the West Indies, Mr. Edwards, says—of being eaten than of being heard. [Laughter.] Baptist, Methodist, and Episcopalian ministers were expelled with a persecution equal to that exhibited lately on the mountains of Syria. Hayti was free! But her freedom was the freedom of fiends. Unschooled, undisciplined, she ran riot in her liberty. Her career has but one advantage. It admonishes us of what our fate shall be, if we are launched on the same stormful sea.

Mr. LOVEJOY. Will the gentleman allow me a moment?

Mr. COX. No, sir; I will not.

Mr. LOVEJOY. Then I raise the question of order, that I am entitled to ask the gentleman a question, inasmuch as he alluded to some member from the State of Illinois. I want to know to whom he referred. He called some gentleman from Illinois a Jacobin.

Mr. COX. That is no point of order; but I will tell the gentleman in confidence whom I meant. I meant him. [Laughter.]

Mr. LOVEJOY. That is what I wanted to know. Now, I want to ask the gentleman another question.

Mr. COX. I did not mention anybody's name; but the gentleman at once saw the appropriateness of the appellation.

Mr. LOVEJOY. We will try that when I come to answer the gentleman.

Mr. COX. The London "Times" gives a truthful picture of the freed negro of Hayti, which has its counterpart here already:

"The negro is a lazy animal, without any foresight, and therefore requiring to be led and compelled. He is decidedly inferior, very little raised above the mere animal. He is void of self-reliance, and is the creature of circumstances; scarcely fitted to take care of himself; has no care for to-morrow; has no desire for property strong enough to induce him to labor; lives from hand to mouth. In Jamaica, emancipation has thrown enormous tracts of land out of cultivation, and on these the negro squats, getting all he wants with very little trouble, and sinking, in the most absolute fashion, back to the savage state."

But it may be urged that there were too many blacks for the whites in the West Indies, and the experiment failed in consequence. Then let us go to Canada, where our slaves are under English laws, and in the midst of people not specially prejudiced. The testimony is that settlements at Chatham, Dawn, Amherstburg, Buxton, Dresden, and other points, are utter failures. It was soon discovered that the blacks preferred charity to labor. The blacks proved lazy, shiftless, improvident, "there not being more than three or four families of a different character out of the one hundred and fifty which comprised the settlement at Buxton. They suffer terribly in winter for want of clothing. The Dresden settlement, planned on the principle of the Socialists, proved a total failure. A few years since Chatham was a bright and prosperous village; but now more than a quarter of its population are negroes, and three-fourths of them are worthless idlers and petty thieves." But it may still be urged, that in the North—in Ohio—the free negro will work, will rise, will add to the security of the State and the prosperity of the people. I select one from

a string of black gems. I select it from the district of my friend [Mr. HARRISON], who will avouch its correctness. Greene County, Ohio, has nearly 1,500 negroes. The following extract from the Xenia (Ohio) "News" (a Republican paper in Greene County), will give some idea of their condition :

"There are about one hundred negroes in Greene County who are always out of employment. A part of these are those who have lately been freed by their masters, and furnished with a bonus, on which they are now gentlemanly loafing. Our jail is continually filled with negroes committed for petty offences, such as affrays, petty larceny, drunkenness, assault and battery, for whose prosecution and imprisonment the town of Xenia has to pay about five hundred dollars per annum. And to such persons going to jail is rather a pleasure than a disgrace. They are better fed and lodged there than when vagabondizing round our streets.

"We have seen negro prostitutes flaunting down Main street, three or four abreast, sweeping all before them indiscriminately. We have seen ladies of respectability running upon the cellar doors, and even into gutters, to avoid being run over by these impudent hussies. It was only the other evening that we saw a lady completely turned around by some black girls, who never deviated from their path in the middle of the sidewalk ; and our own cheek has burned with indignation at the lecherous smile of invitation which has been flung into our faces by these swarthy demoiselles. Other gentlemen have complained of the insulting boldness of their address. But we are sickened with the recital. It is a disagreeable task to lance the sore which has long been gathering unheeded ; and it is equally so to probe this evil, which unawares is growing in our midst. As we have in a former number already said, we feel no prejudice against the black man on account of color, or for mere degradation ; but, at the same time, we are unwilling that we should be morally infected by contact with an inferior race, the result of which contact is in no way beneficial to the black, and highly injurious to the white."

Some years ago, there was a negro colony established in Brown County, Ohio, as to which the Cincinnati "Gazette" said that "in a little while the negroes became too lazy to play." A Senator in Ohio characterized the colony as follows :

"The black settlement in Brown County was made in 1819, the original number located there being four hundred and twenty, for whom about two thousand acres of land were procured. From the commencement there has been no improvement in their morals or habits. Idleness and vice are the prevailing concomitants. The cost of criminal prosecutions has been very large in proportion to the number of inhabitants, and keeps up a proportionate average with their increase. In the vicinity of this settlement there is not a family within two miles who are not kept in constant dread of depredations or injury of some sort. Every thing valuable that can be removed is stolen. They are absolutely compelled to confine themselves to what is merely necessary to support life, for any thing beyond from hand to mouth must inevitably fall a prey to the lurking vagrants, who, far worse than a gang of gypsies, are hovering around seeking literally what they may devour. And this state of things is not confined to any section alone ; it extends in a greater or less degree wherever this portion of the population is permanently located."

It might be a profitable calculation to ascertain what will be the depreciation of property in Ohio, if the numberless itinerant blacks from the South are to be admitted to the State. The House will remember the ineffectual efforts of Gerrit Smith to make a black agricultural colony in New York. He was obliged to confess that "the mass of them rot both physically and morally." I could produce similar evidence from the New York "Tribune," but the strength of the statement would not be thus increased.

I lay down the proposition that the white and black races thrive best apart ; that a commingling of these races is a detriment to both ; that it does not elevate the black, and it only depresses the white ; that the his-

tory of this continent, especially in Hispano-America, shows that stable civil order and government are impossible with such a population. In Peru their commingling has led to the decay and degradation of their progeny. Dr. Tschudi, in his travels in Peru, enumerates some dozen crosses of the negro, Indian, and white, with their various and vicious products. The character of these mixed races is that of brutality, cowardice, and crime, which has no parallel in any age or land. If you permit the dominant and subjugated races to remain upon the same soil, and grant them any approach to social and political equality, amalgamation more or less is inevitable. It has invariably followed this blending of people, however opposite the original stocks. In illustration, let me quote the remark of a distinguished divine, Dr. McGill:

"Look at Mexico, where the proud Castilian, the subjugated Indian, and the barbarous African slave, were all made free and equal just about one generation or thirty-two years ago, by a single decree, to meet what was considered 'a military necessity.' More than half of the whole population is already mixed-blooded; and just as amalgamation advances, degradation deepens; anarchy prevails; laws, constitutions, and the ballot-box are a mockery; wave after wave of military despotism has left that Republic, of more than eight millions of souls, one of the fairest regions under heaven for the acquisition of wealth and glory, without money, without credit, without commerce, without union, without religion, until at length the ambition of Spain herself seeks to remand the subject people to their old repudiated thralldom."

Is this the fate to be commended to the Anglo-Saxon-Celtic population of the United States? Tell me not that this amalgamation will not go on in the North. What mean the mulattoes in the North, far exceeding, as the census of 1850 shows, the mulattoes of the South? There are more free mulattoes than there are free blacks in the free States. In Ohio there are seven mulatto children for one in Virginia, according to the negro population; and in Indiana and Illinois there are five for one in Tennessee and Georgia! As the white people of the North do not marry blacks, these mulattoes must have been born out of wedlock. While, then, there are more mulattoes in the free States than blacks; in the South, on the contrary, there is only one mulatto to twelve blacks! How does this occur? I leave it to my colleague from the Portage district [Mr. EDGETON], who gave us his opinions, in a pert way, about the Democratic address. It is recorded that in his county a white woman of Akron sued out a *habeas corpus* (for the writ runs there yet, at least where there is color of right) to take a mulatto baby from a Mrs. Jones, a negro woman, under whose care it had been placed by its white mother, and who had become attached to the pickaninny. In the course of the discussion Mrs. J. told the white woman that she thought "if the white folks were mean enough to have nigger babies, they ought to be willing to let colored people bring them up." [Laughter.] So the judge decided. These little straws account for the preponderance of mulattoes North.

The mixture tends to deteriorate both races. Physiology has called our attention to the results of such connections. These results show differences in stature and strength, depending on the parentage, with a corresponding difference in the moral character, mental capacity, and worth of labor. The mulatto is not long-lived. It is a fact that no insurance company will insure their lives. In New England there is one blind negro for every 807, while at the South there is one for every



2,635. In New England there is one insane negro for every 980, and in the South one for 3,080. If they were the only insane persons there, I would not complain. They catch it there from the whites. [Laughter.] It is neither philanthropic nor congenial to send the negro to the North, where he wilts, when in the congenial South he increases in numbers even in slavery! Our statistician (Mansfield, *Ohio Statistics*, 1861) p. 41, boasts that Ohio has men of greater height, by actual measurement, than England, Belgium, or Scotland, and in breadth of chest nearly equal to that of Scotland, and above all others. I do not offer myself as a specimen. [Laughter.] But how long before the manly, warlike people of Ohio, of fair hair and blue eyes, in a large preponderance, would, in spite of Bibles and morals, degenerate under the wholesale emancipation and immigration favored by my colleague? The free negroes will become equal, or will continue unequal to the whites. Equality is a condition which is self-protective, wanting nothing, asking nothing, able to take care of itself. It is an absurdity to say that two races so dissimilar as black and white, of different origin, of unequal capacity, can succeed in the same society when placed in competition. There is no such example in history of the success of two separate races under such circumstances. Less than sixty years ago Ohio had thousands of an Indian population. She has now but thirty red men in her borders. The negro, with a difference of color indelible, has been freed under every variety of circumstances; but his freedom has too often been nominal. Prejudice stronger than all principles, though not always stronger than lust, has imperatively separated the whites from the blacks. In the school-house, the church, or the hospital, the black man must not seat himself beside the white; even in death and at the cemetery the line of distinction is drawn. To abolish slavery the North must go still further, and forget that fatal prejudice of race which governs it, and which makes emancipation so illusory. To give men their liberty, to open to them the gates of the city, and then say, "There, you shall live among yourselves, you shall marry among yourselves, you shall form a separate society in society," is to create a cursed caste and replace slaves by pariahs. Again, it is neither convenient nor advantageous to the State of Ohio to have this influx of blacks. It may be abstractly wrong to debar them from our State; but some one has wisely said, that "the abstract principles of right and wrong we know, but not the processes nor the duration of their working out in history. All the white handkerchiefs in Exeter Hall will not force the general Congress of Nations to decide questions otherwise than by the laws of convenience and advantage." Were there no prejudices or instincts against the color or race in our midst, a true State policy would forbid such a horde of Africans as emancipation would send to Ohio. Ohio has a larger circuit of slave territory abutting on her border, than any other Northern State. The Ohio River runs over 500 miles along our border, dividing us from Kentucky and Virginia. Illinois and Indiana forbid all negroes from other States. Since 1850 Iowa and Wisconsin have had the same policy. Is Ohio to be the only asylum for the slaves of Virginia and Kentucky and the other States south? Suppose these schemes of emancipation succeed; or suppose they do not, and the emancipation incident to the war goes on, what proportion of the slaves of the South will cross

into Ohio? They will not go to Canada, not now. They will move into lower Ohio, with the consuming power of the army worm. By the census, in Virginia and Kentucky alone, the colored people number 790,102! How many of these blacks would come to Ohio?

In spite, however, of the laws of Illinois, Indiana, and other Western States, the slaves of the Mississippi valley will, if freed, seek the Northwest. They will slip through into Illinois, Iowa, Kansas, and Indiana. The gentleman from Indiana [Mr. JULIAN], the other day, said that in his part of the State the law was a dead letter. He is no doubt partially correct. In the past ten years the ratio of increase of free colored people in the United States has been 10·97 per cent., that of the slaves 23·38 per cent., and that of the whites 38·12 per cent. In California the negroes have increased 296·67 per cent. compared to the white increase of 310·84 per cent. There are no laws of prohibition in California; while in Oregon, where such laws exist, the whole ratio of increase is 299·96 per cent. compared with a loss of 41·54 per cent. of blacks! In other States there is this ratio: Illinois, white increase of 101·49, black only 30·04; Iowa, white increase 251·22, black increase 207·21; Indiana, white increase 37·14, black loss 3·49; Wisconsin, white increase 154·10, black 133·22. In these States the law forbids blacks; but in spite of it they get in, but not to that extent, which they do in Ohio and Michigan, where such laws do not exist. In the latter State the white increase is 87·89 per cent., the black is double, viz.: 164·15! It will be perceived by an examination of the census, that it is in the Northwest that the black race is increasing; while in other States further East and North they do not increase in the same ratio. It is the Northwest which will be Africanized by the schemes here proposed. The slaves in the Mississippi valley alone, in the States of Arkansas, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee, number 1,499,079. This does not include the free blacks, who would be compelled to share the exodus. Then Kansas, Nebraska, Iowa, Minnesota, Wisconsin, Michigan, Illinois, Indiana, and Ohio, would be their asylum; but as the States west of the Ohio are in advance of us in preventing this vicious immigration, Ohio, under the welcome of my colleague and his friends, would have more than her fair quota. Temporizing politicians cannot blink this question. While they advocate emancipation, some of them present an alternative—colonization. If more negroes are to be freed, and my State is to be their asylum, I am of Jefferson's opinion, that their freedom ought to be accompanied with emigration to some other land, compulsory if necessary. But Mr. Greeley and others do not advocate colonization to mitigate abolition. The fact that many who honestly contemplate abolition are willing to lay a tax of thousands of millions to colonize, is a confession that they believe that free negroes cannot exist in the country without its ruin.

It has been said that we ought to free the African, even though we build a bridge of gold over the chasm from slavery to freedom! It will prove a Bridge of Sighs to both black and white. Its piers and arches are to be built out of the toil and labor of American labor. But to its cost: I have some data on which to calculate. In 1858 I voted (according to an old law existing since the time of Mr. Monroe) money to send back slaves taken on board the slave ship "Echo," on the 21st of

August, 1858. That law requires all such slaves to be taken back to Africa, and supported there for one year on the coast. This is a humane law, but an expensive one. By a contract made between the Colonization Society and Mr. Buchanan (see *Ex. Doc.*, 2d Sess. 35th Cong., vol. 2, pt. 1), the Government agreed to pay \$45,000, or \$150 apiece, for the transportation and support of the 300 Africans one year. It did not include buying lands for them. There was no expense for compensation to slave owners. Now, if the slaves of all the South are to be paid for at the rate of \$300 apiece—the amount paid here in the District—and land is to be bought beside, you may approximate to the result of this enormous utopian scheme. Mr. Goodhue, a gentleman who is connected with the Government, and a statistician, makes this estimate :

"By the census of last year, there were 3,952,801 slaves in the United States and territories. I have already shown that 454,441, which belonged to the border States, would be worth, at \$300 each, \$136,332,300. There remain to be disposed of, therefore, 3,498,360 slaves embraced in the country subject to the rebels, but including, of course, large numbers belonging to friends of the Union, who have been constrained into obedience to the rebel authorities against their wills. At the rate of \$300, the slaves in the rebel States would be worth \$1,049,508,000; and adding the cost of compensation to the border States, at the same rate, the aggregate expense of emancipation would be \$1,185,840,300. Or, for the convenience of round numbers, the cost of emancipation would be, at \$300 per head, twelve hundred million dollars (\$1,200,000,000)."

Add to this \$1,200,000,000 the cost of transportation and maintenance for a year, at \$150 per negro, and you have \$1,800,000,000. Add further, for the price of the soil to be bought for them, say ten millions; and the cost of starting them in a strange land, without roads, houses, teachers, and leaders, ten more; and you may approach the stupendous result. This is no violence of mine upon arithmetic. This is the cool calculation of men eager to carry out, at small cost, their schemes. I give credit to the motive which prompts colonization. But where are these enormous sums to come from? "Oh, the war expenses are as much, and ought to pay it;" or, as Sir Boyle Roche would say, "every man ought to give his *last* guinea to protect the remainder." Are not the war expenses already run up to such a sum that men flounder in their calculation of them? But, it is said, the war expenses are not yet done, and by this scheme we may save the remainder. I would like to think so. Such schemes of emancipation will only prolong the war and add to its expenses. This enormous tax is to be paid, it is said, in thirty-seven years, at an annual tax of \$150,000,000! We are to use our credit by bonds, and thus establish a national debt. Great as our resources are, this burden is too enormous. It leaves no hope. It creates despair. Ask the question of the people: "Can you meet these liabilities in addition to the war debt, now estimated by Senator SIMMONS, at the end of July, 1862, at \$555,000,000, and to be doubled before the war is over, supposing that it will end in a year?"

Such a scheme even destroys a large portion of the means to pay for itself. The labor of the negroes after they are freed and colonized is nothing, worse than nothing. It is a loss to the country of just what it will take in time and trouble to replace it by other labor equally good. It is a loss to the country of the labor and the laborers themselves, estimated at \$600,000,000.

Then we have the following results :

Cost of compensation to owners of slaves.....	\$1,200,000,000
Cost of deportation and maintenance one year.....	600,000,000
Cost of land to be purchased, bridges, houses, roads, &c.....	20,000,000
Loss of the labor and laborers to the country and to the masters before a new supply of labor can be had.....	600,000,000
Debt already, according to Secretary Chase's last report.....	491,445,984
War debt additional by 1863, according to Senator Simmons.....	500,000,000
	<hr/>
	\$3,411,445,984

This sum almost equals the national debt of Great Britain, which, as the accumulation of centuries, amounts to £757,486,997, or about \$3,787,000,000 ! Here is a bridge of gold for the African exodus ! Ohio builds one span of one-tenth, to cost \$34,114,459 ; my district pays one-twentieth of that, or \$1,705,722. But how much of the accumulations of our people will this sum take ? Secretary Chase tells us that, according to the census of 1860, the real and personal property of the people of the United States is \$16,102,924,116 ! Hence *one-fifth* of all we have would scarcely meet this enormous liability ! In the name of economy, sense, and humanity, may not the people be tempted to repudiate this prodigious expenditure ? The men who levy it, sir, are running a desperate hazard. Where, by the tax to put it down, secession has placed only yokes of wood on the people, which they will cheerfully bear, this scheme makes yokes of iron ! Think you the authors of so grand a scheme can escape the vengeance of the people by resignation or exile ? Theirs will be a doom worse than that of the Gracchi or Robespierre !

But these dreamers do not intend to buy and colonize. Their ethics, like their speeches, are cribbed from the pharisaical spoutings of Exeter Hall. The House has voted down the project of colonization proposed by the gentleman from Missouri [Mr. BLAIR]. They will not so outrage human nature—not they. What ! says Wendell Phillips, export the four millions which are the fulcrum of the lever by which the nation is to be restored ! Oh, no. Is not this the land of their birth ? Even the colonization members do not propose coercion. What then ?

It is proposed to free all, and leave chance to distribute them among the people. Chance, sir, is a poor economist, and a worse ruler. Let us consider the effect of this proposition. A senator from Vermont [Mr. COLLAMER] fixed the proportion of this distribution at one negro to every five or six whites. He was right. By the census of 1860, there are in the United States 27,008,081 whites and 3,999,535 slaves. If the slaves were distributed equally north and south, this would make one negro to every seven whites ; but if all are driven north by social convulsion, as shown by the gentleman from Kentucky [Mr. MALLORY], it would make more than one black for every five white persons. But we know that the African will not go to New England, at least in such numbers as to other States. He does not thrive there. In Boston the city register shows that for the last five years there were 134 births to 376 deaths among the colored people. If Ohio were open, as my colleague advocates, we would have at least twice as many negroes flock into that State as to the rest of the North, and twice as many in central and southern Ohio as in northern Ohio ; or one negro for every three white persons in the State, and per-

haps twice that ratio in southern and central Ohio. Take Massachusetts as the fair average of the North. There, every inducement is offered to his immigration. He is made a voter; he is admitted to the bar; he is even made better than a white man in suffrage, provided the white man comes from Germany or Ireland. Yet, in a population of 1,231,065, the blacks number only 9,454, or one black to 130 of the population; while in Ohio, with not double the population, there is one black to 63 of the population. The increase of blacks in Ohio is 43.30 per cent., while in Massachusetts it is only 23.96 per cent. So that I am justified, not alone by the census, but most by the geographical position and nearness of Ohio to the South and the extent of its slave State border, in inferring that she would receive more than double the number assigned to the States north by Mr. Collamer's apportionment. What, then, would be the result? Ohio has 2,303,374 white people. She would then have a ratio of one black to every three persons, an addition of 767,791 to her black population! My district, composed of Franklin, Licking, and Pickaway Counties, where negroes seem to congregate more than among their professed friends in northern Ohio, would have scattered among its 110,941 persons, blacks to the number of 36,980! This is nearly equal to the whole population of Licking County! They would be distributed as follows: Licking, 12,370; Franklin, 16,787; and Pickaway, 7,823.

But even this does not do justice to the inexorable figures, for my district is peculiarly blessed with negro population. Whether it is because the people are more generous in their treatment of the blacks; whether Kentucky and Virginia families who settled in it are more numerous; or whatever is the cause, still it is true, by the census of 1860, that with a population in my district of about one-twentieth of the whole population of the State, it has one-fourteenth of its blacks, or 2,660 out of 36,678.

One would suppose that in the Western Reserve, where the profession of philanthropy is ever arising in prayer, in speech, and in print, where for years they cultivated no civil discipline which interfered with their notions of slavery, there would be throngs of blacks. Is it so? Thou iron-tongued census, speak! In the ten counties of the Western Reserve there are but 1,854 blacks, a few more than in one county of my district! Why they especially avoid Ashtabula, where there are only twenty-five negroes, I cannot say. Is it the prodigal profession and scant practice of humanity? [Laughter.] Or has Mr. Giddings, with a view to protect property and keep up its price, coaxed them into Canada, where happily he is now domiciled? And there is Geauga, with not as many negroes as Fulton County has Indians! What a commentary on representative fidelity is here! The member from Ashtabula, Mahoning, and Trumbull [Mr. HUTCHINS] speaks for 166 negroes; but from his piteous ado, one would suppose that he represented at least as many Africans as the King of Dahomey. [Laughter.] And there is my smiling colleague from the northwest [Mr. ASHLEY], whose rotund form is ready to become like Niobe—all tears—by his grief for the poor negro [laughter]; whose gushes of eloquence in their behalf remind one of the Arab lyrics in praise of the dark maidens of Abyssinia when they sung:

"Oh! the black amber, the black amber! Its perfume by far  
Is sweeter than all else on earth or in star;  
The lotus of Nile, the rose of Cashmere,  
My senses enthrall, only when thou art not here." [Great laughter.]

Yet, from the whole eleven counties of his district, he cannot count as many negroes by half as live in my own county. I am not particularly proud of representing a greater number of Africans than my colleagues. I think, so far as the chattering goes about their inalienable rights and everlasting wrongs, I am entirely unsuited to represent them; yet I hope that in actual kindness to them I do represent the white people of my district, whose practical benevolence has attracted to that portion of the State an undue share. What I fear is, and what I deduce is, that this disproportionate share will be continued when the bills voted for by my colleagues are law, and the black exodus has begun.

I have the honor, as it is fondly believed by some, to be a prospective constituent of either my friend from the Clark district [Mr. SHELLABARGER], or the honored representative of the Madison district [Mr. HARRISON], with whose votes I so often concur. The Legislature of Ohio has made for my especial contemplation a new district, composed of the counties of Clark, Madison, Franklin, and Greene. If my two friends, who do not agree well in their votes, will consent to make the race next fall, I will, perhaps, edge in a conservative word for the general welfare. I commend to them this question I am discussing. This new district, sir, is rich in colored materials. It was the select asylum for the blacks in their northern movement. Greene County, to which I have referred for the character of its African damsels, is a second Paradise of free negroes. It has 1,475 blacks. The benevolence of Horace Mann at Antioch College led the blacks to believe that here they would repose in the green pastures as contentedly as their brethren bask in the rays of a Congo sun. They were to be elevated without effort to an equality with the white race; and here they gathered to witness the miracle. You may wash them year after year, with your philanthropic soap and water, you will not turn them white, though they may become gray. In this new district there are 3,821 negroes to 111,052 whites. Here are twice as many negroes as in the whole Western Reserve! One negro to every three white persons would give 37,017! A very pretty mosaic! A sweet and fragrant nest! And this is the Afric's coral strand, to which my missionary labors are to be directed! Why, here are one-tenth of the negroes of Ohio in this district, with only one-twentieth of the population of the State! So that in this district, if the ratio continued, we should have twice as many as our fair share (at one negro to three of the white population), or some eighty thousand negroes!

How will this immigration of the blacks affect labor in Ohio and in the North? *First, directly*, it effects our labor, as all unproducing classes detract from the prosperity of a community. Ohio is an agricultural State. Negroes will not farm. They prefer to laze or serve around towns and cities. This is evident from the census of Cincinnati, Cleveland, Toledo, Dayton, Columbus, Zanesville, and Chillicothe, where more than three-fourths of the blacks of Ohio are to be found. But is it said that the plantation hands, when free, will work the lands? Such is not

the experience on the Carolina coast. A writer in the Boston "Journal," from Port Royal, on the 14th of May, 1862, estimates that there are 10,000 contrabands on the islands. They have planted some corn, potatoes, and cotton, under the Government direction. This writer says :

"It is difficult to make the negroes work, or induce them to (if that sounds better North), as they find something to eat from Massa Lincoln, and seem to feel they are not 'free niggers' if they work. So they often take a day or several days to themselves, when their services are perhaps most needed, and go to Hilton Head or Beaufort. For instance, some ground had been prepared for ploughing and planting, but just as they were needed the few men who understood that part went off for two days without the least notice, thus delaying the planting, which was even then late. Until some method is adopted to make them feel the necessity of work for their own good, Government will receive but little benefit comparatively."

Will they do any better North? We know what they have done. There are exceptions. I speak of the masses of blacks. Have they done any better at Fortress Monroe, or even here, under military surveillance? Let their condition answer. Food for the present is what they crave; and when that is had, no more work till they crave again. But suppose they do work, or work a little, or a part of them work well; what then is the effect upon our mechanics and laboring men? It is said that many of them make good blacksmiths, carpenters, &c., and especially good servants. If that be so, there are white laborers North whose sweat is to be coined into taxes to ransom these negroes; and the first effect of the ransom is to take the bread and meat from the families of white laborers. If the wages of white labor are reduced, they will ask the cause. That cause will be found in the delusive devices of members of Congress. The helps of German and Irish descent, the workmen and mechanics in the shop and field, will find some, if not all, of these negroes, bought by their toil, competing with them at every turn. Labor will then go down to a song. It will be degraded by such association. Our soldiers, when they return, 100,000 strong, to their Ohio homes, will find these negroes, or the best of them, filling their places, felling timber, ploughing ground, gathering crops, &c. How their martial laurels will brighten when they discover the result of their services! Labor that now ranges at from \$1 to \$2 per day, will fall to one-half. Already, in this District, the Government is hiring out the fugitives at from \$2 to \$8 per month, while white men are begging for work. Nor is the labor of the most of these negroes desirable. No system of labor is so unless it be steady. They will get their week's wages, and then idle the next week away. Many will become a charge and a nuisance upon the public charity and the county poor tax. One hundred of the fifteen hundred negroes of Greene County, as we have seen, were drones and scamps. So in Brown County. Randolph's negroes, taken to Mercer County, were nuisances. If the blacks are distributed into the country, they may work for a little time and for small wages, and work well for a time; but when work grows irksome, and they "become too lazy to play," they will steal. Corn and chickens disappear in their vicinity, with the facility of shirts from the hedges where Falstaff marched his tatterdemalions. And for this result *directly* to northern labor, what compensation is there to the southern half of our country by their removal? Herein lies the indirect effect of their immigration upon northern labor. By this emancipation, the labor system of

the South is destroyed. The cotton, which brought us \$200,000,000 per annum, a good part of which came to Ohio to purchase pork, corn, flour, beef, and machinery, where is it? Gone. What of the cotton fabric, almost as common as bread among the laboring classes? With 4,000,000 of indolent negroes, its production is destroyed, and the ten millions of artisans in the world who depend on it for employment, and the hundred millions who depend on it for clothing, will find the fabric advanced a hundred per cent. So with sugar, and other productions of slave labor. For all these results, labor will curse the jostling elements which thus disturb the markets of the world. Another indirect effect upon the labor of the North, and especially of Ohio, is that the markets of the South will be closed, not by blockade, but forever. Our prices of corn, wheat, pork, beef, &c., will be reduced by a contracted market. The surplus in Ohio, the past year, was, of grain 25,000,000 bushels, of hogs 1,000,000, of cattle 300,000, exports from the State, or more than \$50,000,000 worth; while other articles of export were worth \$50,000,000 more. This production is above that which Ohio can use. If our market is restricted, who suffers? The farmer. If he suffers, who will pay the taxes in Ohio? Prices must be remunerative or agriculture suffers. If agriculture suffers in Ohio, every man, woman, and child feels it. If this scheme for Africanizing the State, by destroying southern labor, succeeds, no fostering care or scientific skill can make up the loss to the farmer. Such schemes, by destroying the sources of labor, destroy themselves. Yet these dreamers cling to their notions with the happy impudence of Munchausen, who went to the moon for the silver hatchet, by means of a Turkey bean which grew up to its horns. When his bean was dried by the heat, he twisted a rope of straw by which to descend, fastening one end to the horns. Alas! like many similar schemes, it was too short. But, holding fast by the left hand, with his right he cut the long and useless upper part, which, when tied to the lower end, brought him safely to the earth! Such will be the result of these lunatic experiments upon the labor systems of the country. The sooner they descend from the moon with their rope of straw, the better. Thus, with loss to the South and damage to the North, both irreparable, and no gain to either, the year of negro jubilee is to be ushered into existence.

In conclusion, then, if the negro cannot be colonized without burdens intolerable, and plans too delusive; if he cannot be freed and left South without destroying its labor, and without his extermination; if he cannot come North without becoming an outcast and without ruin to Northern industry and society, what shall be done? Where shall he go? He answers for himself. The *paterfamilias* of a drove of negroes, the other day in the Valley of Virginia, was asked, "Where are you going?" "Dun' no, massa, dun' no; gwine somewhere, I reckon." [Laughter.] His friends can answer very little better. But such answer is not statesmanship. What shall be done? I answer, Representatives! that our duty is written in our oath! IT IS IN THE CONSTITUTION OF THE UNITED STATES! Leave to the States their own institutions where that instrument leaves them, keep your faith to the Crittenden resolutions, be rid of all ambiguous schemes, and trust under God for the revelation of His will concerning these black men in our land, and the overthrow by our power of this



rebellion. Have you no faith in God, who writes the history of nations? Great as is our power, wise as is our system of government, brave as are our soldiers, unequalled as our fleets are of iron, it is only for Him to breathe upon us, and our power will fade. I know that His power can solve these dark problems of our fate. Let us do our duty to the order established by our fathers, under His wise inspiration, and all may be well. In this night of our gloom my faith has been in Him, even as my oath to the Constitution which He inspired is made, "so help me God!" Cleaving to that, I can see the dawn of hope! Leaving it, I see nothing but perjury, fraud, and a darker night of disaster. In our Constitution alone, under God, is our national salvation!

But I have no faith in, and no hope of this Congress, for they have no faith in God or the Constitution. Greece had a law called *γραφη παρανομων*, whereby any man was tried and punished in a common court like a criminal, for any law which had passed on his motion in the assembly of the people, if that law appeared unjust or prejudicial to the public. If there were such a law here, how few of the majority of this House would escape the dock of the criminal and the rope of the gibbet. The member from Illinois [Mr. LOVEJOY] would then receive the beatitudes which follow suspended animation. [Laughter.] But what of the member from Pennsylvania [Mr. KELLEY]? He has been ever ready, in his defence of black men and black character, to assail personally those with whom he differed. He could not pass by my humble speech as to Hayti without some sarcastic flings and much misrepresentation, which he refused to allow me to answer. He did not like my style of description, and wondered why there was no laugh at my humor about the negro in court dress. He is more successful. He never speaks but he is laughed at. His speeches have been well described as being every word a sepulchre, every sentence a tomb, and every speech a graveyard. [Laughter.] In this graveyard he thought to bury me, as he had buried others. But even that voice of his, *vox et præterea nihil*, which may be likened to the "cry of an itinerant bull, in pursuit of society, moaning upon the broad prairies of the West" [great laughter], would, if that Grecian law existed, be choked forever. He would then find his melodramatic performances close before the fifth act, in a tragedy, which an admiring audience would applaud to the echo! Faithless to their own resolves, faithless to the President's message and proclamations, faithless to their pledges to the army and the people, faithless to the memories of the past and the hopes of the future, faithless to the Constitution and to the God of their oath, these mad-dened zealots pursue the work of destruction. A few short months, and even the blacks of America will curse them as their worst enemy. This Congress, which ought to be engaged in holding up the hands of the Executive, and in giving aid and counsel in putting down this armed rebellion, has striven to circumvent the plans of the President, by its immature and vindictive bills of confiscation. It has been cooping away at the vessel, hooping it around with infinite pains, by emancipation, while its bottom, like the tub of the Danaides, is full of holes and can hold no water. Weary in watching its mad designs of revolution and its crazy crotchets of black freedom, and for the self-preservation of my native State and the North from the black immigration with which it is threatened, I shall

go to my home and ask the ballot to speak its denunciation. A few months, and that expression will be had. On it depends the fate of the Republic. My belief is, that the people will write the epitaph of this Congress, nearly as Gladstone wrote that of the Coalition ministry during the Crimean war :

Here lies the ashes of the XXXVII. Congress !  
 It found the United States in a war of  
     gigantic proportions, involving  
     its very existence.  
 It was content to wield the sceptre of Power  
     and accept the emoluments of office ;  
     and used them to overthrow  
 the political and social system of the country, which  
     it was sworn to protect.  
 It saw the fate of thirty-four white commonwealths in peril ;  
     but it babbled of the  
     NEGRO !  
 It saw its patriotic generals and soldiers in the  
     field, under the old flag.  
 It slandered the one, and in the absence of the other,  
     it destroyed his means of labor.  
     It talked of Liberty to the black, and  
     piled burdens of taxation on white people  
     for utopian schemes.  
 The people launched at it the thunderbolt  
     of their wrath ;  
 and its members sought to avoid punishment,  
     by creeping into dishonored  
     political graves  
     *Requiescat !*

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#### MEANING OF THE ELECTIONS OF 1862.

CONSERVATISM AND RADICALISM—PERVERSION OF THE WAR—ITS PROLONGATION—DISMISSAL OF  
 GENERALS—IS COMPROMISE POSSIBLE? IF SO, WHEN?—LAWS OF WAR—MAXIMS OF VATTTEL  
 —HOW PEACE MAY BE HAD—ENGLISH PERFDY—FRENCH AND FOREIGN MEDIATION—  
 NATIONAL CONVENTION.

*Delivered in the House of Representatives December 15, 1862.*

MR. CHAIRMAN: It has been a custom in all civilized countries and a part of the Constitution of all free countries, for the administration to yield to the popular will whenever it is clearly ascertained. In England, when the Ministry are voted down, they surrender their portfolios to the Queen. Even in parliament, which is but an imperfect representative of the British people, no Minister, however popular, can withstand the sentiment of the Commons. He must resign or rule under the scorn of the nation. In 1832, even the Duke of Wellington was not "iron" enough to resist the popular cry of "Reform." In 1846, when Cobden and Bright on the hustings, Villiers, in the House, and Elliott in song, raised the cry of Repeal of the Corn Laws and cheap bread for the people, the landed aristocracy, who had the power, crumbled before the

power of the popular voice. Sir Robert Peel, the greatest statesman since Chatham, bowed to the decree. The nation yet honors him for this magnanimous statesmanship. Later, during the Crimean war, its gross mismanagement, shown up by an untrammelled press, drove an incompetent Ministry from power, by a vote of the Commons. In Prussia, in France, and even in Austria, the sovereign and his advisers do not fail to conciliate the public mind by some graces of obedience. But here, sir, in this boasted free country, when our great States have pronounced against this Congress, and against its emancipation and other schemes, we have mockery, defiance, and persistency in wrong doing. The people have raised their voice against irresponsible arrests; this House, on its first day, votes down my resolutions, drawn in the language of every Bill of Rights in America, and refuses inquiry into these outrages upon the citizen. The people have condemned that worst relic of the worst times of French tyranny, the *lettres de cachet*; yet this House, with indecorous hurry, lash through a bill of indemnity, which is to confiscate all the rights and remedies of the outraged citizen—a bill, sir, which, if pleaded by a minion of power, the Courts would laugh to scorn. The people have condemned the edict of emancipation—an edict which Mr. Seward, on the 10th of March last, in a letter to Mr. Adams, declared “would reinvigorate the declining insurrection in every part of the South;” yet we have the Presidential Message, which proposes to adhere to the condemned proclamation; and in addition thereto proposes a compensated system of emancipation, running to the end of the century. The people desired the war to be continued on one line of policy, declared by us last July a year, for the Constitution and the Union; but this contumacious assembly are determined to force it from that line, or abandon the Union.

My colleague [Mr. HUTCHINS] spoke the other day for the majority here, and gloried in that radicalism which would “reinvigorate the rebellion.” I think the Irish orator had my colleague in his eye, when he spoke of the “universal genius of emancipation.” He glories in being a radical because he goes to the root. I propose to tap that root for a few moments. His speech is not upon a new theme, nor is it freshly handled. Its point is its audacious disregard of the sentiment of his own State and of the North. He is wiser than the “elders” of the Republic, whom he stigmatizes: for they never found, what he has learned from other and recent sources, that Slavery and freedom are incompatible in our system. He pretends that the real cause of the rebellion lies in this irreconcilable antagonism. He forgets that seventy-five years of our history disprove his fallacies. He urges such antagonism for military reasons; when the truth is, his party got power by propagating this very heresy of hate. The scheme of exterminating slavery as a war measure is an afterthought. He claims moreover the right under the Constitution to free all the slaves, because slavery is incompatible with that clause which guarantees to each State a republican form of government. He grows wiser than the “elders,” who framed the Constitution, and who lived in Slave States when it was made. He thinks the Congress and the Executive can unmake the State governments and make new governments for the South when subjugated. He thus becomes as much of a Disunionist and traitor as Davis. My colleague reproves the President for his delusion, because the Presi-

dent hopes for relief by compensated emancipation in 1900. In this, the daring radicalism of my colleague outstrips even that of the Administration. He favors a "Union as it will be, when slavery is eradicated," and that makes him a radical. He says radicalism goes to the root. So it does. So the savants whom Gulliver found employed the hog to do ploughing, to save the wear and tear of honest agriculture. He would have us root out slavery or die. Indeed, in picturing our "armies penetrating the territory of the rebellion, carrying with them this military order of freedom inscribed upon their banner," he would have his halting friends, like the President, "dare" more; he quotes the language of Mirabeau, the revolutionist, urging no revolt—no *revolt*—by halves, no timidity, no hesitation from a sense of duty, no sacrifice of passion, no half-way indecision in treason; and he exhorts his confederates in abolition that it is better to be resolutely bad than indecisively honest! This is the language of revolution, and the spirit of Satan as Milton pictures him in hell. The quotation of my colleague is felicitous; but it is a relief to know that his comrades in revolt have not the daring of Davis, the manliness of Mirabeau, or the intellect of Satan. He indulges in comparisons between this radicalism, which he espouses, and that conservatism which is now organized under the Democratic name. The word conservative is not the name of a party. It is an element now dominant among the people. It represents the principle of repose and strength; the ideas of order and law. It defends the Constitution. It would restore the Union. When the gentleman likens it to the Israelites who hankered for the slavery of Egypt; when he says that those who prefer the Union as it was, are like the Tories of the Revolution; when he likens them to the Scribes and Pharisees, who preferred the doctrines of the elders, he perpetrates superficial nonsense. To stigmatize those who are in favor of the Union of Washington as like the Tories whom Washington fought, is worse than the silliest bathos of a mediocre poet, whom Horace says gods, men, and booksellers despise. To liken the conservative voice just uttered at our elections to the lust of the Israelites for the fleshpots of Egypt, has not the dignity of a schoolgirl's rhapsody. The simile which he drew between the Scribes and Pharisees, and those who reverence the Constitution because it is the work of the "elders," smacks of a supercilious egotism which it is idle to answer. There are no such analogies between the parties of the day. No comparisons are needed to show the differences between the radicalism which uproots to destroy, and the conservatism which would guard to save. I would like to know the difference in spirit between the radicalism of secession, which contemned the constitutional majority and set up for itself on slavery principles, and the radicalism which now defies the people's will to set up for itself on anti-slavery ideas.

This radical party of the gentleman has been in power 651 days—since the 4th of March, 1861, to the present time. What is the result? I do not now ask who has caused this result; but what is our condition under the agents selected at Chicago by a sectional organization, acting with those of similar radical views in the South? 1st. A confederation of thirty-three States, to which appurtenant were seven Territories, has been torn into two parts, under severed and belligerent governments. 2d.

From a state of concord the people of these States have been made hostile ; and one-half of the people of these States, capable under the law of bearing arms, have become consumers instead of peaceable producers of wealth. 3d. That these men, numbering perhaps two millions, connected with the armies of the North and South, are costing the people at least \$1,000,000 per day, which is not being replaced ; for all that is spent in war is, by the laws of economy, a loss to those who spend it, as a mere pecuniary transaction, and not counting ultimate and moral results. 4th. That since this Administration came into power there has been lost to this country, merely as a matter of business, not counting debt and taxes of a national or State character, at least three hundred millions in the destruction of property, interference with established business, increase in wages, spoliation of railroads, depots, produce, corn, wheat, flour, cotton, hay, crops, &c. 5th. That the debt of this country at this time, if all the *liabilities* not liquidated are included, and not including the eighty millions left by the preceding Administration, amounts to the sum of one thousand millions ; and by the 1st of July, 1864, will, in my judgment, amount to twenty-five hundred millions. The estimates for the army alone for the next year are \$700,000,000. 6th. That we have now a system of taxation by tariff which imposes a burden on the West, to benefit manufacturing in New England, and pays indirectly sixty millions into the Treasury and hundreds of millions into the pockets of capitalists, from the consumers, who are mostly farmers of the West. 7th. That we have now a system of internal taxation, costing for collection some four millions extra, which might have been saved, and levying in one year \$150,000,000 as interest only on a great national debt, and with an army of newly made office-holders, with exorbitant salaries. 8th. That within these 651 days, a party has succeeded which proposes, by legislation and proclamation, to break down a labor system in eleven States, of four millions of negroes whose industry has been productive hitherto, worth, on or before the 4th of March, 1861, an average of \$500 apiece, being in all two thousand millions of dollars ; and when this capital is destroyed, the objects of this pseudo-philanthropy will remain on hand, North and South, as a mass of dependent and improvident black beings, for whose care the tax will be almost equal to the war tax, before their condition will again be fixed safely and prosperously. 9th. That within these 651 days, the rights of personal liberty, freedom from arrest without process, freedom for press and speech, and the right of *habeas corpus* have been suspended and limited, and, at times, destroyed ; and in the place of resurrected and promised liberty to four million blacks, we have had the destruction of that liberty which the past 800 years have awarded to the Anglo-Saxon race. 10th. That for the specie currency of a few years ago, we have already in circulation millions of depreciated government promises to pay, ranging from \$1,000 notes down to five cent shinplasters. 11th. That we have the promise of a bankrupt law at this session, as the wholesale result of these commercial derangements. 12th. That we have had killed in these 651 days at least 150,000 of the best youth of the country on bloody fields of battle, and nearly the same number by sickness in camps and hospitals. 13th. That by the decision of the courts, already given as to the laws of this Congress—the legal tender and the confisca-

tion acts—we learn that there is a general encroachment by one department of the government upon the other. 14th. That the Christian religion has been defiled by its teachers, and civilization set back a half century by the demoralization incident to these unhappy events.

This is the radicalism of my colleague. Conservatism has played the radical so far as to uproot this gigantic upas tree, whose shade poisons the nation's life. It would cover over and refresh the exposed roots of the goodly tree planted by the fathers, that it may grow again, and blossom and bear fruit for the children.

Is it necessary to illustrate the differences between the radicalism and conservatism now operating in our politics? I will not go back to Egypt, or Palestine, or even to the Revolution. We have in our midst subjects of comparison. The gentleman from Pennsylvania [Mr. STEVENS], with an intellect like a demi-god, clamoring for a Dictator, and scoffing at the Constitution, infinite in his power of mischief, might well illustrate radicalism; while the gentleman from Kentucky [Mr. CRITTENDEN], with a heart as large as his intellect, would illustrate the opposite. One defends contractors, palliates speculation, and assaults investigating committees. Given the leadership here in this time of peril, he uses it to preach a *salus populi suprema lex*, as of higher sanction than his oath to the Constitution. He deals in invective, and talks of being provoked by a constitutional opposition or a modest suggestion. He would tear down the fabric of his government to vent his spite on an institution about which he has no business. During this session he voted for the dismemberment of Virginia, and gave these radical reasons:

“For I will not stultify myself by supposing that we have any warrant in the Constitution for this proceeding. This talk of restoring the Union as it was under the Constitution as it is, is one of the absurdities I have heard repeated until I have become sick about it. This Union can never be restored as it was. There are many things which render such an event impossible. This Union shall never with my consent be restored under the Constitution as it is, with slavery to be protected by it.”

Such language would befit the Richmond Congress. He who utters it, is indeed no Conservative. Turn to that other in our midst—a man of gray hairs—no counterfeit glory upon his head, but the glory of a long, useful, and patriotic career. He comes to us from his retirement in Kentucky to represent the people among whom Henry Clay lived and died, to counsel us in this our country's trial. He bids us manifest temperance in the very torrent and tempest of this anti-slavery frenzy. His course may arouse the sneers and ire of the radical. He may be likened to the sensual Israelite, the hypocritical Pharisee, or the obsequious Tory; but the people know him as one who would have saved them from the war, and who would now lead them to an honorable peace. His conservatism would not pull down. It would build up. It abounds not in empty cries of humanity about the blacks. It would save this western world to constitutional freedom for the white. It looks forward to the day when the old time shall come again, under the old flag. It fears to let loose vengeance in the form of atrocious confiscations and cruel spoliation of non-combatants and deluded fellow-countrymen. It would give laws to war. It would conserve the home, the State, the institutions of the country—the Republic! It would never heal political grudges by mercenary contracts. It

would try the traitor first and confiscate afterwards. It would not confiscate without conviction. It would observe the law North to punish its breach South. It would guard the Constitution while putting down its assailants. It does not for months assassinate the character of our generals because they do not favor radical notions. It would conserve character, even while it would protect freedom of speech and unlicensed printing. It loves and admires the Constitution, made at Independence Hall on the 17th of September, 1787, and would echo the close of Story's Commentaries: *esto perpetua!* It makes sacrifice to defend it. It votes and speaks against the worthless men who, in the name of a higher law and in the name of a military necessity, would destroy it. The difference between this conservatism and that radicalism, is the difference between Hyperion and Satyr, Gabriel and Mephistopheles, Democracy and Abolition! The people, thank God, though late, perceive the gulf which separates these elements of blessing and of woe.

Yet my colleague would arraign this conservatism as pro-slavery and treasonable; and with that irreverence which is not infrequent with his class, he pretends that God is on the side of this radicalism. Why, sir, I speak it all reverently, God himself has been called by an abolition divine, a Democrat. The appellation is true, if Democracy be the synonyme of conservatism. Providence organizes and conserves. It is a part of his established order. Besides, it has been said that the voice of the people is the voice of God. Surely these waiters on Providence should heed the voice of the people speaking from the political Sinai. Amidst the thunders and lightnings and thick cloud, and the quaking of the mountain, the trumpet has sounded; and yet, ye, unlike Israel, "have not sanctified yourselves, lest the Lord break forth upon ye." The trumpet voice has spoken: We are the people who have set you in high places.

Thou shalt have no other source of power before you.

Thou shalt not make unto thee any graven image of ebony, before which to bow thyself, nor to serve it. [Laughter.]

Thou shalt not take the name of liberty in vain; for thou shalt not be held guiltless for such sacrilege upon personal and constitutional freedom.

Remember the election days of October and November, to keep them holy. [Laughter.]

Honor the Constitution and the Union, if you would have your days long in the land.

Thou shalt not kill—in vengeance and in vain.

Thou shalt not degrade the white race by such intermixtures as emancipation will bring.

Thou shalt not steal, nor suffer the money of the people to be stolen by the army of jobbers and contractors.

Thou shalt not bear false witness against thy neighbors, charging them falsely with disloyalty.

Thou shalt not covet thy neighbor's servants, neither his man servant, nor his maid servant, nor any thing which is thy neighbor's; nor tax the people for their deliverance."

Will these commandments be heeded? I fear not. Too many of the other side have lost their sense of responsibility by losing their offices. Among all my colleagues of the last Congress, upon the other side, but

one remains—but one—the member from the Northwest [Mr. ASHLEY], and he was elected by the divisions of the conservative force of the district. As with the children of Israel, the Red Sea divided and his virtues enabled him to go over dry-shod. [Laughter.] My colleague [Mr. HUTCHINS], who was so kind as to write my epitaph at the last session, picturing me as going down in a colored “sunset,” had not even the approbation of his own party by a nomination. He will allow me, with tender regret, to borrow the apostrophe of the poet to Wilberforce, as suitable to his case :

“Oh, shade of the fallen ! Oh, Genius sublime !  
Great friend of the Negro, from Africa's clime ;  
Alas ! how low he lies ! [Laughter.]  
Night suddenly came, and his day was done,  
His sun was set, and another sun  
Illumes the dusky skies.” [Laughter.]

I doubt not his speech at the last session in favor of the blacks settling where they pleased, was the reason of his premature setting and settling. He should not complain. He was a bright light of Republicanism in the dark places of Ohio ; but he must remember “that all that's bright must fade.” His demise was a civil necessity. The people have said to him and his friends—all defeated, I believe, but about a dozen—“Wayward sisters ! depart in peace.” [Laughter.] Let them return to private life. It is their destiny. Their political graves are dug. Their winding sheets are prepared. Their gravestones are ready. Methinks I hear the clods fall upon their coffins at noon on the coming 4th of March. They should not complain. The earth itself must at last pass away and be rolled up like a scroll. Nature, trembling and in flames, will one day give way. Let them not complain, but bow to the decree of dissolution. None knew them but to curse them ; none name them but to damn. Properly and philologically speaking, they are here as the representatives of perdition ; for they are lost to us. [Laughter.] Their loss will, however, be our gain. Their calling and election not having been made sure, they now seek, in the little span allotted them, to continue those political transgressions for which they are condemned already. My colleague [Mr. HUTCHINS] has, however, it seems, turned practical humanitarian since the elections. I commend him for it. He is no longer a political Mrs. Jellyby, manufacturing here moral pocket handkerchiefs, for the pickaninies of Hilton Head ; but he has been there, observing how the young African learns to shoot in a-b-abs, and how the black brigade learns to shoot in platoons. He has, no doubt, observed what the President told the preachers : “That they eat, and that was all.” Perhaps he might tell us how many thousands, under the humanitarian régime, we have already living at our national festive board, and singing the song :

“Old Uncle Sam's the landlord—we eat and drink our fill,  
And the wisdom of the measure is—we pay nothing for the bill.”

The House refused us information last session as to these black paupers ; and since then they have increased and scattered over the land, until they number hundreds of thousands ; we hear of four hundred wagon loads in Mississippi ; several thousand in the district of my friend from Illinois [Mr. ALLEN] ; thousands here in the District ; and for their sustenance and elevation, the overburdened people are to be taxed, while the



families of white soldiers clamor for food in our cities. The House this afternoon voted down the resolution of inquiry of my friend from Maryland [Mr. CALVERT], as to the cost of the contraband business in Carolina. I assert here that the report of the quartermaster at Beaufort, South Carolina, will show that for the month of September four general superintendents received \$150 per month, and sixty-four other superintendents received \$50 per month, for taking care of ninety-three negroes! This report shows \$3,800 per month, being at the rate of \$45,600 per annum, for the care of ninety-three, big and little, male and female, "free Americans of African descent." A thousand dollars per year would astonish a western farmer for such a service. Yet we are refused all information as to this and similar infamous abuses. But the time is near when all will be out. Why are these things hidden from the people? I think my colleague might have given us some of his observations on this head while he was in the South. The consolation for this, the Executive gives us when he tells our people that white men can go down and take the places of slaves, if they do not like having the slaves coming North to jostle and oust them from their places.

I, too, like the gentleman from Illinois [Mr. RICHARDSON], am anxious to support the Executive in crushing this armed sedition in the South, and will support him whenever he is upon the proper path. The elections never meant to withdraw from him the conservative support, if he had pursued the policy marked out at the extra session. But the people have condemned the chimerical scheme of compensated emancipation which he has again announced, and which my colleague defends—a scheme which the President thinks will save the enormous outlays for the war, by abolishing its cause—Slavery. How can we apply those simple Mother Goose Melodies of the message, that it is not so easy to pay something as nothing, or easier to pay a large sum than a larger one—when emancipation will add to the larger sum, something larger still, by "reinvigorating the rebellion"? One important question seems never to have been considered at the White House—what if abolition does not end the war? If the fear of abolition was in part the cause of the war, will abolition stop it? If there were any thing true in the motto, "Like cures like," this might be logic; but, unfortunately, like causes produce like effects. It is utterly wild to expect that the South will disband or be reconciled or be conquered by abolition; since abolition banded them in arms against us. If the President make real the fears which led them to arms against the Government, the war will be embittered, prolonged, and made more expensive. Untold millions will be added as well for the idle purpose of turning over to the Treasury, or the Poor-house, the Africans freed from their masters, as to pay for the slaves when freed. But we are told the integrity of the Union will be assured; and the gentleman from Pennsylvania [Mr. STEVENS] has introduced resolutions looking to this end. The import of his resolutions is confined to the unity and indivisibility of the Union. The second and fourth propositions are all included in the first. The second expresses the stigma which ought to be fixed on him who would violate the national integrity, which is asserted in the first; and the fourth expresses the resolve never to have that integrity broken "in two." But, sir, there is carefully omitted all expression against destroy-

ing or impairing our Government as established by the Constitution, with its present departments and its present local, State, and Federal relations. Members can vote for those resolutions, yet be in favor of thoroughly changing these relations. The gentleman can defend for ever the unity of the United States, its territory and government, yet insidiously favor a system of centralized power. A dictatorship has already been heralded by him here; and it is not inconsistent with these resolutions. Every inch of our domain might remain under our flag, yet that flag might be made the emblem of a new and odious political system. The framers of the Constitution admonished us that if we should crush out the States, though the territory might remain, yet our liberties would be lost. The unity of a parcel of provinces, held by a martial iron grip, or tethered by prison bounds, is not the unity of the American Constitution. In a unity like that, with the States eclipsed, how could you make a Senate, an electoral college, or a President? Strike out the planets, and you have no system. He is an idiot who thinks our geography ought to be preserved at the price of our freedom. Do you want to reproduce the alliance of Ireland with England; Venetia with Austria? How will you hold it? By large armies at enormous cost? How, in case of foreign war, could you preserve such a Union? Even our territories grow restive under Federal rule, and clamor to be States in their nonage. Such a scheme of military satrapies, menacing our northern liberty and leading to endless intrigue, it is idle and criminal to contemplate. The people will have none of it. They have thus instructed us in thunder tones, at the recent elections. They desire no other form or fact of government than such as the Constitution gives; no other flag than that which has all the stars in equal lustre, and no black, interpolated between the red, white, and blue!

Doubtless this popular will has reached the gentleman from Pennsylvania. Last session he began with a bill, which proposed by unconstitutional legislation to change local interests from State to Federal control. Now he preserves, as to that, a discreet silence; and only proposes a unity of territory and government. The people demand the territory as it was, the Government as it is, and no meddling with the area of the one, or the functions of the other, by any party, with any force, by any laws, or for any purpose, in the interest of any species of philanthropy, or for the benefit of any race, red, white, or black!

But, sir, I do not complain that the gentleman has omitted in his resolutions any expression as to preserving the rights, equality, and dignity of the States under the Constitution. Who would believe that such expressions were sincere, after the vote of the gentleman on the 21st of July last for a resolution of that kind, offered by the gentleman from Kentucky [Mr. CRITTENDEN]? The gentleman from Pennsylvania is no hypocrite. The time for pretences has gone by. The masquerade is over. He will drag no unpleasant corpse of memory about with him. Great souls care not for consistency. The Crittenden resolutions are in the dead past with him. The State suicide doctrine is now openly avowed. The Constitutional guarantees to personal liberty and private property are set at naught. The purpose so long hinted at and indirectly attempted, to abolish slavery by Federal legislation or Executive proclamation, has become the shibboleth of a party and the avowed object of the war. It would not have done to

have avowed this purpose at the beginning of the war. As has been said by the "Atlantic Monthly," the organ of the abolition dilettanti in Boston, "The opposition to the Southern secession took its *first* form as a rally by all parties to the defence of the Constitution, the maintenance of the Union. For any anti-slavery zeal to have attempted to divert the aroused patriotism of the land to a breach of one of its fundamental constitutional provisions would have been treacherous and futile. The majority of our enlisted patriotic soldiers would have laid down their arms. If the leadings of Providence shall direct the thickening strife into an exterminating crusade against slavery, doubtless our patriots will wait on Providence. But we could not have started in our stern work, avowing that as an object of our own." The war began for the holy object of national salvation, by the defence of the Constitution. The effort is now made to end it as a disgraceful crusade against slavery, betraying the patriotism of the land and mocking the hopes of mankind. It began for the noblest purpose; unless restored by the popular voice, now assuming its olden tone again, it will end in diabolical and merciless extermination of territory, property, States, Government, and Union.

It is not my purpose now to condemn or discuss the acts of the last session. The nation has passed upon them; and there is no need of resolutions or speeches to explain their action. If the gentleman thought by introducing his resolutions, that he could discover any lack of national feeling, any sympathy with this unnatural rebellion, or any desire here to have this nation changed in polity, symmetry, or geography, he was mistaken. If the President, in his message, thought that his argument in favor of the physical union of these States was needed to teach the people true views or new views, he was mistaken. The meaning of the late elections is, that no separation of these States can ever be permitted. The people have registered their oaths at the ballot-boxes, that no infraction of the Constitution shall be suffered. They will have unity without the aid of such counsels. They will have their ancient and written charter of liberties, in spite of all attempts to despoil them. There was no need of such resolutions; there was need of other resolutions, voted down by the other side; resolutions to stop irresponsible and arbitrary arrests; resolutions against changing the form of our government; resolutions against wholesale and expensive philanthropic experiments, which tend to destroy the moral, religious, political, and physical substance and unity of the nation.

I know the impression has been created among the weaker portion of the now weaker party, that the late elections are somehow an expression in favor of secession. If this were true, what a message of encouragement it would be to the rebellion! Those who circulate libels upon the people of the North, either cannot have the sense to perceive their effect, or are regardless of the truth. If it were true, how pitiful would be the condition of this nation! The rebels find no such encouragement in these elections. But the Richmond "Examiner" of November 21 does find in the "policy of the radical party North that which alone could have eradicated the deep-rooted sentiment of Union from the Southern bosom." It does find "that the radical party have pursued a policy which has consolidated Southern sentiments and united our [their] people as one man

in support of the war." Such was the belief of the people as to the effect of radicalism; and hence the result in Ohio and the Northwest. At the East, let that noble champion, the governor elect of New York, speak as to the significance of the election in that State. In his speech, before the election, at Brooklyn, Horatio Seymour said:

"Now, when the men of the South made the bayonet and the sword the arbiter (they elected, and not we); when they and not we determined to settle it by blood, the sword, so far as the present is concerned, must be the arbiter; and in our strong right arm it shall strike vigorous and true blows for the life of our country, for its institutions, and for its flag. Now let me say this to the higher law men of the North, and to the higher law men of the South, and to the whole world that looks on as witnesses to the mighty events transpiring in this country, that this Union shall never be severed; no, never. Whatever other men may say, as for the conservative people of this country, and as for myself as an individual—let other men say and think what they please—as for the division of this Union, and the breaking up of that great natural alliance which is made by nature and by nature's God, I never will consent to it, no, never, as long as I have a voice to raise or a hand to fight for this our glorious land."

The Executive message as to the indivisibility of the United States, and the resolutions of the gentleman, are but the feeble echo of this stalwart cry of the people: "That this Union shall never be severed—no, never. The natural alliance made by nature and nature's God, shall never be broken—never." It was because the people feared this, that they have hurled so many of you from your seats here. The epitaph upon this Congress, which with a glad prophetic grace I had the honor to pencil for your political sepulchres at the last session, will be carved in that enduring marble which will be at once the grave of sedition and the monument of loyalty!

It has been asserted that the people have condemned this administration because there was not a vigorous prosecution of the war. The dismissal of General McClellan was justified because, as it was alleged, he had not dash or movement enough to satisfy the electors of the country. Facts, in letters and despatches which are yet to transpire, will show: 1st. That this is a mere pretext; and, 2d. That there were other reasons for the dismissal. My distinguished and sagacious friend from Illinois [Mr. RICHARDSON] inferred that the real reason for that dismissal was, that McClellan did not agree with the emancipation and other radical schemes of the cabinet. I assert here as a fact, which I do know, and which confirms the inferences of my friend, that the President was, about the middle of July, informed distinctly of the mode by which and the principles upon which General McClellan intended the war to be conducted and the Union saved.\* He was advised that McClellan disapproved of any infraction of the laws of civilized and Christian warfare; that he disapproved of arbitrary arrests in places where the insurrection did not prevail; that he did not contemplate any seizure of private property for the support of the army, or for punishing and desolating the region invaded; but that he earnestly desired that the war should be carried on as a duel between organized armies, and not against non-combatants; that the institutions of the States should be protected; that no proclamation of freedom, incens-

\* This reference is to the famous Harrison Bar letter, which afterwards appeared, and which General McClellan had before this speech read to Gov. Crittenden and myself.

ing a servile race to indiscriminate massacre of helpless whites, and inviting the destruction of unoffending blacks, should be permitted; in fine, that wherever it was possible, the military should be subordinate to the civil authority, and the Constitution alone should be the guide and glory of heroic sacrifice. This plan did not suit radicalism. It was not obnoxious to the President in the summer, but, somehow, it became so in the fall; and hence the General of the Potomac suddenly became unskilled in the art of war. His science in creating and inspiring an army after Bull Run was forgotten. His grand movement and splendid fighting before Richmond were ignored. His attempt to take Richmond was belittled, although he pleaded, as if the life of the nation hung on it, for reinforcements, without which he made no promise and had no hope of success. His superb battles in Maryland, his salvation of Washington from the blunders of Pope, or those over him, were conveniently slighted. It was pretended that he did not move fast enough after the battle of Antietam; that he was abundantly supplied, but failed to pursue the defeated enemy. Time will show who are to blame for failing to supply the army at that critical time. Such pretexts will hardly stand before the official records which will be published. At the time when McClellan was dismissed, he was moving his immense army more than ten miles a day. His cavalry were driving the enemy before them, and his infantry and artillery were pushing them back from the frowning gaps of the Blue Ridge. His movements were as fast as prudence, in such a situation, warranted.

No, sir, this removal of the general, whose genuine patriotism and skilful genius had inspired the army with enthusiasm, was a sacrifice to appease the Ebony Fetish. But he was displaced for Burnside. True; and he told his army to stand by Burnside as they had by him. And Burnside had told us that McClellan was "an honest, Christian-like, and conscientious man, with the soundest head and clearest military perception of any man in the United States." Fatal words! They have in them the ultimate fate of Burnside. Let us pray for his success fervently, as he, no doubt, has prayed for the presence of McClellan during the past eventful week. But let us watch as we pray; for he too will be brought to the stone of jasper, another sacrifice to the Mumbo Jumbo of abolition. What have we gained by McClellan's removal? Celerity of movement? A better base of operations? Nearness to Richmond? Supplies by water, and a point d'appui for gunboats? Or, suppose we conquer at Fredericksburg, will not our army at last be compelled to return to James River, as the only base from which operations can succeed against Richmond—that point from which McClellan was dragged, despite his cry of despair, which seemed almost to forebode the destruction of the Republic?

In the vicissitudes of this war the Administration will be compelled to resort to McClellan's plans and the conservative policy. Unless this be done the war will fail, and a disadvantageous peace may result, for almost any peace will be hailed as better than the war as it is now conducted. The war must be carried on *under*, and not *over* the Constitution. When that course is resumed, the patriotic North will respond as it has before responded. The conservative members of the next Congress will demand such a return. The President will find that there will be representatives here who mean to save their institutions and rebuild the Union.

This parrot cry that these elections indicate a sympathy with the Southern rebellion has been iterated for party purposes at home. It was not manufactured for foreign consumption. It did harm abroad. Well might Mr. Seward, with more truth than is usual to diplomatic *finesse*, write a chapter to counteract the bad effect of such falsehoods. On the 10th of November last he advised Mr. Adams at London :

"That while there may be men of doubtful political wisdom and virtue in each party, and while there may be differences of opinion between the two parties as to the measures best calculated to preserve the Union and restore its authority, yet it is not to be inferred that either party, or any considerable portion of the people of the loyal States, is disposed to accept disunion under any circumstances, or upon any terms. It is rather to be understood that the people have become so confident of the stability of the Union that partisan combinations are resuming their sway here, as they do in such cases in all free countries. In this country, especially, it is a habit not only entirely consistent with the Constitution, but even essential to its stability, to regard the Administration at any time existing as distinct and separable from the Government itself, and to canvass the proceedings of the one without the thought of disloyalty to the other."

Who is there on the opposite side who dare echo the sincere tribute of Mr. Seward to the loyal Democracy? Who of you has had the generosity to distinguish between sustaining the Government and criticizing the Administration? Who among you does the Secretary reckon of "doubtful political wisdom and virtue"? Certainly it is he who would counsel a war against slavery; for he said to Mr. Adams, on the 17th of February, 1862, in speaking of the crusade against slavery :

"To proclaim the crusade is unnecessary, and it would even be inexpedient, because it would deprive us of the needful and legitimate support of the friends of the Union who are opposed to slavery, but who prefer union with slavery to disunion without slavery. Does France or does Great Britain want to see a social revolution here, with all its horrors, like the slave revolution in St. Domingo? Are these powers sure that the country or the world is ripe for such a revolution, so that it must certainly be successful? What if, inaugurating such a revolution, slavery, protesting against its ferocity and inhumanity, should prove the victor?"

Again, on the 5th of July, 1862, he says :

"It seems as if the extreme advocates of African slavery and its most vehement opponents were acting in concert together to precipitate a servile war—the former by making the most desperate attempts to overthrow the Federal Union, the latter by demanding an edict of universal emancipation as a lawful and necessary, if not, as they say, the only legitimate way of saving the Union."

He accuses, therefore, every one who would pervert the war from its primitive and loyal purpose into an anti-slavery crusade, as depriving the country of its loyal friends. He accuses all such of aiding to bring on a social revolution, like that of St. Domingo, involving all its ferocity and inhumanity. If this indictment be true, who will escape condemnation? The vote the other day to sustain the proclamation will show. When the gentleman from Pennsylvania was framing his crimination against those who would propose peace on the basis of separation, which inculcates no one on this side, did he know whereof he was accused by the Premier of the Administration? The people have tried and condemned all such as are thus accused. But while those who are approved by them never will "accept disunion under any circumstances or upon any terms," still it is nevertheless true that these elections do indicate a profound unrest among the people, as to the continuance of this war on the line of policy now

about to be pursued. They do indicate that in the popular mind there is a hope yet alive, and efforts yet to be tried, perhaps not opportune just now, to adjust the causes of strife and bridge over this abyss, below which is surging the torrent of blood. They do approve of the President's remark, that after all our fighting, we must at last make some accommodations. The *London Times* says truly, that "in the result of these elections we think we see a hope that the word 'compromise' will soon come into general use on the other side of the Atlantic." The President himself seems, in an oblique way, to have taken the hint, and his late message writes out in plain hand this once-honored word—COMPROMISE.

But how shall we begin the work of compromise? What is honorable and just, under present circumstances? Is it true, as is alleged, that the Southern States under certain circumstances are willing to return to the Union? Is it true that the President is thus advised? I know not; but if so, what sacrifices can be made to restore the Union? Or, indeed, ought any talk of compromise to be held, while the guns of the rebellion thunder along the Rappahannock, or our navies meet with resistance down the Mississippi? Shall we wait the results of the present movements? Shall we then, in case of failure, wait till another year? Shall we talk of compromise before our debt reaches the estimate of Mr. Chase, on the 1st of June next, and towers up to \$1,122,297,403.24? Or shall we wait till the year after, when it shall still mount up to \$1,744,595,596.80? Or still more nearly, on the next year's day, when the Commander-in-Chief shall have declared all persons held as slaves in any State or designated part of a State then in rebellion, to be then, thenceforward, and forever free? If that grand panacea fail, shall we still wait until another million shall be added to our army? Another hundred thousand to our hospitals? Another hundred thousand fresh-made graves upon our soil? Another three hundred millions of loss, by destruction of public enterprises, private property, and by the wholesale derangement of the social, business, and labor systems of the land? Or will compromise be more acceptable, North and South, if possible at all, when another half million of slaves are freed by the friction and abrasion of the war? Or will it be when slave labor is enfranchised and exported to regions where it will never add a dollar to the national treasury or to the general wealth? Or when the four million slaves, being freed by war, legislation, confiscation, or proclamation—which my colleague [Mr. HUTCHINS] thinks may cause some slight inconvenience—shall seek the North Star, and by an exodus, already great and increasing, shall disturb the relations of labor in the free States, until a new irrepressible conflict shall arise between white and black labor? Or shall the war go on, without effort to compromise, with no attempt at arbitrament, until extermination results? Will you compromise with desolation and call it peace? Will you glory in the unity and indivisibility of a territory denuded by the besom of war? When—when—Representatives, is peace honorable, and compromise just? Are these "forces" to "endure" so long as there is a cotton and rice field in Carolina, or a sugar plantation in Louisiana, unscathed by war or unsettled by free labor? If the day of compromise be postponed till then, may not the Federal sceptre be a barren one in your gripe? Or may not other schemes of union—economic, political, and geographical—and other

ruinous projects of secession still further distract our country? These problems may well be considered by the loyal and patriotic. Let us be wise in time, before worse evils overtake and overwhelm us.

I am one of those who still cling to the hope of union. At the beginning of the war, there were but few secessionists *per se*. It was the fear that the Northern States were hopelessly abolitionized, that overcame the loyalty of the majority South, and united them against us. The very excesses of power in this Congress, its attempt to pervert the war, its aggressions on personal freedom and constitutional right, have extinguished the fire of radicalism and relit the old beacon which led us onward in unity and to prosperity! The result of the elections will assist to restore the Union. The reaction in the South will soon begin. The elements of discontent North which have helped to rescue power from arrogant and imbecile men, will work with more force in the South. Cotton has lost his sceptre. His throne is in ashes. Privateering, so truculently blazoned by Slidell, in the Senate, as the avenger of Southern wrongs, has proved itself but a toothless harpy. Foreign intervention will never be allowed, North or South. The currency, trade, and established order South, all deranged, are powerful levers, now prying the loosened stones into their old places. For such a work there is a fulcrum deep in the heart of the people, which neither radicalism nor secession can wholly disturb! The very failures of both armies to make decisive victories, notwithstanding the extraordinary vigor and splendid heroism of our soldiers in the field, and the fabulous expenditure of money and men, will assist the consummation of our hopes. We have expended, in two years, men and money enough, had we been united, to have added a dozen Indias to our conquering chariot. Money enough has been filched by corrupt contractors, treasures enough have been wasted on political favorites, to have belted the globe with our flag, and added the rest of the Continent to our empire. But all has been as yet in vain; for there stood and yet stands between the people and their hope this blighting black demon of radicalism, unwise beyond all that is written in history, and powerless for every thing except mischief and malevolence. Against its Satanic "pressure," brought to bear upon the President by the mad cabal of zealots, the people have protested. You may discard their warning in mockery; you may, in spite, remove the generals they indorse and love; you may persevere in your radical and destructive work; you may for a few weeks more press your doctrine that the *States* are in rebellion, and therefore have committed *felo de se*, and are to be stricken from the roll of the Union; you may strive to legislate down the Constitution; but your days are numbered! I see the death sweat on your brow! In these resolutions, in the indemnity bill passed the other day, and in the crazed speculations of my colleague, which still linger from the past session, and in the bill of the member from Pennsylvania for a hundred thousand black soldiers, I hear the death-rattle in your throats. You will pass away; and you will only be remembered to point a political moral, and to teach, as Robespierre and his radical times teach us, that anarchs and destructives have their uses in the political world, as the hurricane and pestilence in the physical world. The very attempt to foil the popular will, you are now making, will make your condemnation more terrible. There is



something insurrectionary, says Arnold, the historian, in the attempt to restrain the popular will. Had you and the Executive bowed to the popular verdict, as in England, under a less liberal system, the rulers ever do, posterity might have embalmed you to a little immortality for that act of grace. But no! this thunder tone of dissatisfaction with your conduct is seized upon and avowed by some here in my presence, as the very reason why, now, in the brief time of your power, you should enact further mischief.

You had, and would yet have, the whole conservative force in a war to overthrow the organization of the Southern Confederacy. You were not content with that. We were united on that, but you were determined to divide the North. By culpable and treacherous divergence from the plain path marked out by the Crittenden resolution, you are determined to make this a war against populations, against civilized usage, to overthrow State institutions and blot out State boundaries, and, by defiance of the organic law, to defeat the cause of the nation, by making the old Union impossible.

But mark! you will not succeed. The army itself will never consent to degrade itself by becoming superior to the civil power. You cannot use it to break through the sacred barriers which protect the Constitution. Nor will the people ever consent to give proclamations the force of law; for even in England that has been held to be a surrender of the liberty of the nation to usurpation. The people are informed of those traditional privileges which were secured by their ancestors. Beginning even before Magna Charta, written in the "Apologies" and Bills of Right of the Anglo-Saxon race, enacted thirty-two times from Runnymede until the Declaration of Right in 1688, they are yet preserved in the fundamental law of the country. At the recent election the people asked, as Wentworth once questioned a certain dispensing power in England, "whether there be any council that can make, add to, or diminish from the laws of this realm?" They ask now in this our House of Commons, as they will ask more proudly in the next, whether the spirit yet lives which resisted ship money, the dispensing power of the Stuarts, and arbitrary imprisonment, and which demanded trial upon accusation and by a jury whenever the subject was seized by the sovereign. They know that there is no compensation for yielding these rights of personal security, without which all other rights are useless. This is a part of the meaning of the elections; and whether in your evanescent power you regard it or not, the people are upon the throne again, and woe to him who passes beyond the limits marked by the still swelling tide of an indignant and aroused people.

But, is it asked: "Do you want the war to stop in order to divide the Union?" The people have answered as Seymour answered, as I answer you here: No! But they want the war carried on, as all civilized wars are carried on, with a view to peace and union, and not with a view to the aggravation and prolongation of hostilities. I affirm on the best human and divine authority, that all objects of human effort, even war, should contribute to human happiness and peace. If this war have any other object, then it is abhorred of God and man; and every dollar and life sacrificed would be criminal waste. Am I answered that this war is an exception to other wars? If so, why? Because it was begun in re-

bellion? Let Vattel, in his 18th chapter of his 8d book, answer! His answer meets the very case. He stands above our stormful passions and gives the law of wisdom for our guidance. In that chapter he maintains these propositions:

1st. That a sovereign is bound to observe the common laws of war toward his rebellious subjects who have openly taken up arms against him. He derives this rule from the relations the sovereign bears toward his subjects. Having derived his right to rule from them, he is to watch over their welfare. But what if his subjects take up arms to deprive him of the supreme authority? Then, if the evil spreads so as to infect the majority of the people of a city or province, and gains such strength that even the sovereign is no longer obeyed, it becomes an insurrection. His conduct toward the insurgents should be consonant to justice and salutary to the State. Vattel declares that subjects who rise against the sovereign deserve severe punishment; yet even in this case, on account of the number of the delinquents, he holds that clemency becomes a duty in the sovereign. Shall he depopulate a city or desolate a province in order to punish her rebellion? Any punishment, however just in itself, which embraces too great a number of persons, becomes an act of downright cruelty. He illustrates these doctrines by referring to Henry the Great, of France, who gained a nation by his clemency, and to the Duke of Alva, who lost the United Provinces to the King of Spain by his cruelty. The time will come for the President to exhibit the magnanimity of the one or the inhumanity of the other.

Again: I beg the House to listen to the wisdom of this great publicist, who holds, as he would doubtless have held with us of the last Congress who attempted by seasonable concession to avert this war, "That the safest, and at the same time the most just method of appeasing sedition, is to give the people satisfaction. And if there exists no reason to justify the insurrection (a circumstance which never happens), even in such a case it becomes necessary to grant an amnesty where the offenders are numerous." But, as if this rebellion was before his mind, he selects the case of a republic, divided into two opposite parts, and where both parts are in arms. This he calls a civil war. "The sovereign," he says, "never fails to call those in insurrection *rebels*; but when the rebels have acquired sufficient strength to give the sovereign effectual opposition, and to oblige him to carry on the war against them according to the established rules, he must submit, necessarily, to the term civil war. In this case there is no common judge between the two parties. They are thenceforward two separate bodies, two distinct societies. Though one of the parties may have been to blame in breaking the unity of the State and resisting the lawful authority, they are not the less divided in fact. But who shall judge them? On earth they have no common superior. They stand, therefore, in precisely the same predicament as two nations who engage in a contest."

2d. This being the case, the common laws of war, the maxims of humanity, moderation, and honor, are to be observed. For a stronger reason, he says, ought such laws to be observed by two incensed parties, lacerating their common country. Indeed, the very instance which Vattel gives, of the sovereign hanging his prisoners as rebels, has already oc-

curred with us in Missouri, and we are threatened, as he anticipates, with reprisals and retaliation, which we have no power to resist. But for these laws, the war would thus become every day more cruel, horrible, and destructive. What, then, is the conclusion at which he arrives?

3d. Whenever a numerous body of men think they have a right to resist the sovereign, and feel themselves in a condition to appeal to the sword, there ought to be left open the same means as between two nations for preventing the war being carried to outrageous extremities, and for the restoration of PEACE.

If these maxims of the great jurist be the voice of reason, conscience, and the civilized world, this Government is under the necessity to practise moderation, justice, and clemency toward the insurgents. We have no right, as Mr. Seward thought in February, to inaugurate any system of emancipation which will lead to the atrocities and inhumanities of slave insurrection. Such a course, as Mr. Seward held, will only "reinvigorate the rebellion." In such a contest there is not an attribute of the Almighty which can take sides with us. As well fire the hospitals of the sick, and the libraries of the learned; as well pillage the homes of the widow and the heritage of the orphan; as well refuse the flag of truce or the exchange of prisoners; as well fire upon the former and hang the latter; as well poison the weapons of war or the wells of water; as well refuse the offices appointed by necessity to soften the rough usages of war, as to inspire or set on foot a system leading to servile massacre. Nay, by the same reason that we would abstain from these horrible means which intensify sectional hate, and reinvigorate rebellion, we must leave open the same means which two nations at war ever have, for the restoration of peace.

Now I inquire, first, into the reason of these maxims; secondly, into the means which are open to belligerent nations; and what, if any, means are open to this nation for the restoration of peace.

*First.* The maxims quoted spring from the desirableness of ending hostilities. As in war no one can enjoy quietly his rights, in peace he has that privilege; and if controverted, he can rationally discuss them with a view to the remedy. Peace is the natural and best state of man. All agree to that. Under its protection, and through its amenities, that intercourse is secured which is most beneficial, economically and socially, and which tends to the highest advancement of man. Passion produces war; reason keeps and restores peace. It is the bounden duty of the Government to seek peace with the people. The beatitudes are promised to the peacemaker. God smiles on him, and gives him a double blessedness in this life and in the life to come. Poets may sing the glories of heroic achievements,

"But like a bell with solemn sweet vibrations  
I hear the voice of Christ say—Peace."

If it were now possible that the French Emperor, without intrenching upon our prerogative as a proud and independent State, could succeed in restoring, by his friendly mediation, the Government and the Union as it was ten years ago, when his *coup d'état* seemed to destroy the hopes of Republican France, and to become the peacemaker and "Union

saver" of this distracted land, the beauty of the act would whiten his whole life, and even make mankind forget the fatal 2d of December, 1852. He would deserve the eulogy of the great writer to whom I have referred; and become greater at that moment than in the midst of his most splendid conquests in the Crimea and in Italy, which he is about to illustrate in bronze upon a new Arch of Triumph in his capital! So desirable is the return of peace, so divine the office of peacemaker, that mankind joins with Vattel in picturing Augustus shutting the temple of Janus, and giving peace to the Universe, and adjusting the disputes of kings and nations, as the greatest of mortals, and as it were a god upon earth!

*Second.* What are the means left open to belligerents by the laws of civil war? I do not speak now of a condition of things not yet apparent in this country, when one of the parties is reduced by war to sue for peace; or where both are weary of the war, and thoughts of accommodation are entertained, and peace steps in and puts a period to the war. I assume now a condition of things in which, upon our part, as we voted the other day, our resources are greater than ever, and our spirit is unflagging; and on the other part, that the resources of the rebellion are yet for a time sufficient to harass and withstand the Federal authority in a large part of the immense area to be rescued from the rebellion. I speak now of a condition, in which an armed force of over 700,000 men are upon our side, and 400,000 on the other; the one having the advantage of resources, and the other the advantage of being near their own homes; and when the spirit of each is but little less than it was one year ago. I speak also upon the hope and hypothesis that the influence of the late elections will greatly abate the apprehensions and mitigate the aversion of the mass of the Southern people against the North; and that a less revengeful spirit, developed in these elections, prevails at the North. Thus circumstanced, and even while we omit no martial or naval exertion on behalf of the Government, where is the initiative for peace? I assume that it is not necessary that the war should stop to prepare for peace. The late war with Great Britain went on and battles were fought even while our commissioners were at Ghent, and after peace was celebrated. An armistice is not an indispensable preliminary to negotiation. In the propositions which I submitted more than a year ago to this House, I proposed to increase the armament of army and navy, even while I would have sent commissioners from the loyal States to the disloyal; not to recognize or treat with the Confederate government, but to meet commissioners from the States South, which are still and ever a legal and indestructible entity, and with whom alone we could then have conferred. Neither is it indispensable to the beginning of negotiations, that the executives at Washington and Richmond should confer.

Although publicists have held that the same power which has the right to make war and direct its operations, has naturally that likewise of concluding peace; yet by our system of government, it would be impossible for our Executive, notwithstanding the maxim I have quoted, to begin negotiations or conclude them by treating with the Confederate government at Richmond. Neither has the President of the United States any power to declare war or conclude peace. He could not if he would, he

dare not if he could, make a treaty of peace which would alienate an acre of our territory, or release a State or a citizen from the obligation due to the Federal Government. However disadvantageous war may be, yet there is no authority to conclude a peace, except in pursuance of the Constitution. It has been held that a sovereign, when the State is reduced to any calamitous exigency, may determine by what sacrifices he will purchase peace; but in this country, where the written Constitution is the guide of duty, there can be no exigency which would authorize a breach of that fundamental law upon which repose all our interests. Better the President should suffer the tortures of Regulus, than usurp a power to make a peace not in accordance with the Constitution and the integrity and indivisibility of the Republic. From no quarter and by no election has there been any expression which looks to a peace based on the separation of this country into two nations. No mediation or intervention from any foreign power, based upon such a suggestion, would be tolerated for a moment. If Europe intervened for such a purpose, the war would become continental. Any mediation or intervention would be spurned which would obstruct the relations of the Union, either by embarrassing our arms or our negotiations. But, are we to be shut off in the future from all hope of stopping the effusion of blood? If the South would be content with the Constitution faithfully administered, as they have shown by adopting it as the basis of their own establishment; and if they are aggrieved only by alleged and apprehended infractions of it, to the detriment of their local systems; why may we not hereafter come together, upon that Constitution as the basis of an amicable adjustment, and by such an amendment of it, made in pursuance of its own provisions, as will assure to the South perfect immunity from unjust intermeddling with their local rights, reestablish the Government, while we reintegrate its territory? The difficulty is in making the advance to an accommodation, as such an advance would be imputed to weakness. Moreover, the war may be persisted in from ambition, pride, and animosity, or from a desire to exterminate slavery; and these may be obstacles to be surmounted. If such be our condition, then we have this rule laid down for us by Vattel, that "on such occasions, some common friends of the parties should effectually interpose by offering themselves as mediators." It is the office of beneficence; and it is held to be the indispensable duty of those who have the means of performing it with success. Such a mediation derogates nothing from that Constitution *ab intra*—that perfect autonomy of the State, which is by all public law and by the divine order guaranteed to every independent nation.

This brings me to the third resolution of the gentleman from Pennsylvania, denouncing all mediation and intervention from abroad. The Monroe doctrine never had a stronger reason than now for its enforcement. Intervention in our affairs can never be allowed. It is a vague term, and has had a variety of interpretations by the selfish and ambitious powers of Europe, struggling to fix the balance of power. Its opposite is the established principle of the law of nations. *Non-intervention* is drawn from the essential sovereignty of every nation, great and small. Intervention is the exception, and is only justified as an extreme measure—1st, when it is demanded by self-preservation; and 2d, when some ex-

traordinary state of things is brought about by the crime of the Government. (Woolsey's International Law, p. 91.) History is full of illustrations of these doctrines, running from ancient Greece to modern Italy. There never can be any application of them to this Government which is not in violation of our sovereign rights upon this continent, and which, if we had the power, we would not resist by our arms. Intervention comes armed. It takes sides. It has ambitious designs. It is against our interest, tradition, history, and feeling. But mediation is ostensibly friendly and inoffensive. We should guard against the most silken inveiglement by France or any European power; but there is nothing apparent in the note of Drouyn de L'Huys tendering a mediation, which indicates any ambitious or unkind intermeddling. In the note of the Minister of October 30, there is nothing which looks like a mediation for peace at the expense of the Union. Any "pressure" upon us is expressly repudiated; and the mediation is only tendered to smooth obstacles, in case of a wish, on our part, for such mediation. In the text of Drouyn de L'Huys' note, the Emperor bases his overtures on the painful interest with which Europe has regarded our great calamity and prodigious effusion of blood. This interest may be quickened by the idle looms of Lyons and the lessened market for French wines. The mission proposed is one which, as France feels and states, international law assigns to neutrals. It is only intended to "encourage public opinion to views of conciliation." In this tender, a scrupulous delicacy is observed against offending our national susceptibility against intervention. The constant tradition of French policy toward this country is appealed to with apparent sincerity.

We cannot be insensible to such advances. But a spectre stands in the way to scare us from its consideration—France in Mexico! Sixty thousand Chasseurs de Vincennes, Voltigeurs de la Garde, and Chasseurs d'Afrique! What are they doing there? Has a Bonaparte—the author of the *coup d'état*—the Emperor of that nation which fought in the Crimea and Italy, become scrupulous of shedding blood? If so, why do his legions throng toward the capital of Mexico to "regulate" a hostile people? Can humanity inspire this project of mediation in our affairs?

I prefer to think, knowing the difference between Mexico and this country, that his policy in Mexico is not intended to be hostile to us, as against the South; for nothing can be more unfavorable to the dreams of Davis and his confederates than the establishment of a European dynasty on their border. Besides, France has ever been our ally. For great reasons of State, and as an essential element of the equilibrium of the world, she helped us to establish Independence. Her blood mingled with ours to acquire it. Louisiana came from her hand to enlarge our domain. No interest in silk, wines, and cotton, no design in Mexico, ought to enter into her plans of mediation. Besides, if she meditates, by mediation, the Union of these States, she may quadruple her Chasseurs in Mexico, and her ensign may float from every castle in that ill-starred land; but our Union, if restored, would exert its first energy in reestablishing the continental policy of Monroe, and all her plans in Mexico would fail. Therefore, from the text of the French note, and its explanation since by the secretary of the French Minister, and being confirmed in the belief that

under the "armistice France would have lent her aid to a restoration of the Union," I do not augur any present armed intervention or sinister motives in her tender of mediation. Still, the best foresight may fail in sounding the designs of the wonderful man who now occupies St. Cloud. Our safety from all intervention lies, not merely in our iron-clad navy, not in our voluminous diplomacy, but in the determination of the people to throw off this load of rebellion. If the capacity of our rulers, in the conduct of our affairs, was shown to be equal to the task of regaining the Federal supremacy at home, we should not be menaced by European patronage and meddling. If we are divided by radical counsels, and if we incite the servile race to atrocious insurrections, our revenues will be wasted, our Government broken, and England will laugh at our calamities, and Europe will intervene for our everlasting degradation. I do not believe that France means hostility to us in her tender of mediation. From my observation I believe that she is now, as she was in the days of Rochambeau and Lafayette, desirous of seeing our Union perfected. She loves England little. Waterloo is not a myth, nor has Time bleached out its red memories. Our growing naval power is not pleasing to England; but it is not obnoxious to France, which has ever been jealous and fearful of English supremacy on the sea. England refuses to join in the tender of mediation for the very reason that she winked at the "Alabama" when she cleared the Mersey, and now permits a thousand hammers to rivet the iron mail upon a score of Confederate steamers. England, whose philanthropy is in a cotton pod, refused the tender of France because she does not care to see this Democratic Republic as a standing menace to aristocracy, and ever rivalling her upon the ocean. England does not wish to mediate, for she fears that if united we might be less tolerant of her bravado. She now smiles with satisfaction over the transfer of commerce from American to English bottoms, owing to the increase of marine insurance, created by her own breaches of neutrality. France may with England have some selfish reason for wishing us at peace. But France prefers that we should have peace and the Union; England prefers peace and a separation. The one is a friend, the other an enemy.

The friendly offices of France may, after our arms shall have had more decisive success and our elections have permeated the Southern mind with a kindlier feeling, be of great use in forwarding the only true object of the war, which is peace and Union.

It is an insult to History to expect that war alone will unite us. Force may subdue the rebellion; but other means must reconcile the people North and South. Interchange of commodities and mutual courtesies will not do it; for separate nations, like France and England, have these and yet would forever remain distinct and hostile. Consanguinity alone will not do it. Many races, as the Gauls, Romans, Franks, and Burgundians, constitute France, and have become nationalized into one, without the ties of kindred. Language alone will not do it; for Great Britain is one, though the people sing with Llewellyn in Welsh, and Burns in Scotch, and Shakespeare in English. The unity of a State by the principle of nationality, results from the unforced and spontaneous union of inclinations among a people. "And Hamor, and Shechem his son, communed with the men of the city, saying: These men are peaceable with us, therefore

let them dwell in the land and trade therein; for the land, behold, it is large enough for them; let us take their daughters to us for wives, and let us give them our daughters; only herein will the men consent unto us to dwell with us, to be ONE PEOPLE." A movement looking to this consenting of the affections will restore the Union. The sword must be garlanded with the olive. The bayonet alone, said Mirabeau, will only establish the peace of Terror—the silence of Despotism. In one way, and in one way only, could mediation be effective, by bringing together commissioners North and South, not to arrange a treaty of peace, not to agree upon a compromise, but to inaugurate IN THE STATES—in the States which are constituent elements of our Confederation, the original fountain of power from which the Constitution derived its vitality—a movement looking to a national convention where, in conformity with the requirements of our Constitution, there could be found our common judge on earth, the sovereign people of the again United States! I do not now undertake to say in detail what such a Convention ought to do. It ought to compose all our troubles in the spirit of amity; and, unless we have degenerated beyond all former generations, it ought to evoke the spirit of 1787, and weave and plait anew that bond of Union, strong as the mighty interests of this nation, which are to be imbound by it forever. In such a convention of States, rigid justice might not be meted out to either party. Neither party would be condemned to humiliating sacrifices, inconsistent with the future dignity and equality of the States. All losses could not be reimbursed; for who could call again to life the thousands slain in the unhappy strife? But in the spirit of Christian brotherhood all might be arranged, the Union be started again upon a career of progress under the old flag and with a new hope, amidst the shouts of a free and peaceful people, and all the States side by side, like the majesties of Olympus, commune kindly through all the ages of history—

"Self-reverent each, and reverencing each,  
Distinct in individuality,  
But like each other, even as those who love."

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#### PURITANISM IN POLITICS.

NEW ENGLAND ISMS—INTOLERANCE AND PROSCRIPTION—HER COLONIAL CUSTOMS AND LAWS—  
VIRTUES OF NEW ENGLAND—EARLY PURITANISM AGAINST DEMOCRACY—A POLITICAL CHURCH  
WITHOUT A RELIGIOUS STATE—TRANSCENDENTALISM AND BRAHMINISM—POLITICAL HISTORY  
OF NEW ENGLAND—INVOCATION TO UNION.

THE speech which follows was not delivered in Congress, but at New York city, on the 13th of January, 1863, before the Democratic Union Association. It was reported by many of the New York papers with gross garbling. Its sentiments were misrepresented, and subjected to much acrimonious criticism in Congress. I insert it here that it may be judged properly. It touched the *amour propre* of New England. The "Atlantic



Review" exercised its malignant spirit by vituperating its author. Rev. Mr. Beecher replied to portions of it, at Boston; but in his speech he admitted what is the gist of the speech, the meanness and intolerance of a portion of the New England people. The New York "Tribune," within the past few months, has said as much, if not more, than the writer, in stigmatizing a certain class in New England who have been foremost in obtaining the pecuniary results from the war, without contributing to its success.

It should be understood that the facts presented in this speech are authentic. If the veil is withdrawn from the character and history of early New England, it is because that character and history are so frequently thrust into the faces of other people as the only type of what is liberal, humanitarian, and pious. I have endeavored to discriminate between the genuine devotee of Democratic and soul liberty in New England, and the mere pretender. In doing this I may give offence to many. But there will be no offence to those who have, since the war has ended, seen the crusade of agitation in relation to reconstruction and negro suffrage. That crusade has begun in Boston. Its threats of new revolution have been made to overawe President Johnson into the adoption of "Boston notions." Whether it shall succeed or fail, depends upon the firmness of the conservative men of other sections.

The speech being addressed to a popular audience is perhaps overloaded with such demonstrations as are incident to such occasions. I give the report, however, as it was published:

*Gentlemen of the Young Men's Democratic Association of New York:*—If this hearty enthusiasm were before an election I could more readily understand it. It seems, however, that you have begun the campaign of 1864. Let us be patient and persevering; and if the great central States will stand by the West till then, as they did last fall, we may rescue the Government from the hands of the spoilers, and reinvigorate the national life from that fountain of all power, the people. [Cheers.] Gentlemen, a New England orator, Tristram Burges, once said, that "we were surrounded, protected, and secured by our Constitution, from the power and violence of the world, as some wealthy regions are, by their own barriers, sheltered from the ravages of the ocean. But a small, insidious, persevering reptile may, unseen, bore through the loftiest and broadest mound. The water follows its path, silently and imperceptibly at first, until at length a breach is made; and the ocean rushing in, floods, and herds, and men are swept away by the deluge." Puritanism is the reptile which has been boring into the mound, which is the Constitution, and this civil war comes in like the devouring sea! Its rushing tide of devastation will not be stayed until the reptile is crushed and the mound rebuilt. This will never be accomplished until an administration obtains control, which, in the language of Governor Seymour, can grasp the dimensions and con-

trol the sweep of this sanguinary flood. [Cheers.] To obtain such an administration, the people will, unhappily, have to wait for some two years. Meanwhile, what new schemes of division may further distract us! My apprehension is, that before the people can thoroughly reform the conduct of their government, another civil strife may be raging; not the South against the North; not slave against free States; but the North against itself. I pray God in his mercy to avert such dangers. The hatred, not of New England, but of its arrogant, selfish, narrow, and Puritan policy, now dominant in the Federal Government, will, I fear, never be allayed until blood is shed in our northern States. There is but one policy which could have stopped it; the maintenance by the Administration of the policy marked out in the summer of 1861, which declared no war for conquest—no anti-slavery crusade. This alone united the North. This might have preserved that unity. But I see no hopes of a return to such a policy. The bigots of New England have their copyists outside, and the anti-slavery pressure continues. Indeed, it is questioned whether any policy can now restore the Union. Abolition has made the Union, for the present, impossible. An aroused people may strike blindly and madly, and the result may be the formation of new alliances among the States and fresh conflicts among the people. As a western man, representing the capital of the leading State of the northwest during these past six years, I have not been unobservant of the signs in that quarter. I have persistently opposed all schemes of secession and division. I yet oppose them. But I am far behind the impulse and sentiment of the West. The erection of the States watered by the Mississippi and its tributaries into an independent Republic, standing on its own resources, mineral and agricultural, with a soil so fat that if you "tickle it with a hoe it will laugh with a harvest" [cheers]—a connection with which would be sought by the South and the East, yet choosing for itself its cheapest and best outlet to the sea; banded together by river and homogeneity of interest—is becoming something more than a dream. It is the talk of every other western man. Men fall into it with a facility which is shocking to the olden sense of nationality. I speak of these schemes only to disapprove and to warn. Just as in 1861, in my seat in Congress, I warned of similar southern schemes, but in vain. All warning fell on sodden hearts. In vain the lamented Douglas urged; in vain the noble Crittenden pleaded. [Cheers for Crittenden!] New England fanaticism made compromise impossible. Let us now be warned in time! As patriotic men, loving our whole country, we must understand the source of this new discontent. The West protest now, as New York and Pennsylvania and New Jersey protested in the last elections, that they desire to stand in the Union, protected by all the muniments of the Constitution. Governor Seymour means much and well, when he says that these central and western States will at last assure us of our old Union. [Cheers.] They are willing to perform the voyage—desert the ship who may. They will keep all the shipping articles—break them who may. They do not intend to be ruled, however, by the Constitution-breaking, law-defying, negro-loving Phariseism of New England! [A voice, "Let her slide"—cheers.] No. We will keep her in on her good behavior, and cast forth the seven devils of clerical meddling and monopolizing aggrandizement

from this political Magdalen. [Laughter.] From the social and political ban which will be issued against this pestilent section, will issue another and a better order of things, under the Constitution.

I entreat the Democratic young men of New York not to countenance any of these schemes of dismemberment, which we of the West will repress; but never cease day nor night to warn the people of the new rocks and fresh breakers which threaten. He who is most faithful in pointing them out in time, though he may be reviled, gives the best proof of single-hearted loyalty, and will be approved by his conscience and his God. Denying all sympathy with any scheme which would in any way mutilate the Republic, I boldly declare to you these new and growing dangers. Jefferson Davis is aware of these things, and counts largely upon the weakness, incertitude, and division engendered by the fatal errors of this Administration. Already the Democratic organ of Cincinnati and the Republican organ at Chicago are issuing their warnings in season. The latter advises its friends in Congress, that the farmer who is selling his corn for ten cents per bushel, if he does not use it for firewood, is not easily satisfied that there does not exist, somewhere, a way through which those who act for him at Washington may afford him relief. At least, he will, if the relief cannot be instant, want to know why it should not be prospective. He is perfectly aware that while New England is getting the benefits, the West is suffering the burdens of this war. In New England, the merchants and manufacturers have accumulated fortunes with Aladdin-like rapidity. There, wages are high and contracts abundant; while the West, with the Mississippi sealed, is charged extortionate rates in the transportation of its produce, and in the price of its purchases. Its people are robbed by tariff, and robbed on what they sell and what they buy. Mr. Beecher has boasted that God has given the Yankee that intelligence that knows how to turn to gold all it touches. [Laughter.] It is his insatiate cupidity, mingled with his Puritanism, which is now making men study the new Census; which makes the New Yorker wonder why, with a less population, New England has twelve Senators to her two! Ohio, too, ponders the fact that her population is greater, by 435,294, than five New England States, yet they have ten Senators while she has two! The West is beginning to ask whether this political equality among the States, made for a wise reason, is to be used for her oppression; whether to that source is attributable the partial legislation which fosters manufacture and burdens the consumer; which hampers the free interchange and enterprise of this great emporium; which shuts off the competition of the world, and gives to New England fabrics the monopoly among ten millions of western farmers. Why are we to pay fifty per cent. more for goods, and lose fifty per cent. on wheat, and corn, and pork? Fifty per cent. ! I should say ninety per cent., adding the cost of gold, in which the tariff is paid, to the custom duties, which the consumer at last pays. To gratify one favored class and section, the laws of economy are suspended with the Constitution! [Laughter and cheers.] Is free trade good, when it takes off the duty and stops the revenue on madder and coloring matter, but bad if it lets in free cotton and woollen fabrics? Is it right to tax Illinois whiskey until the manufacture is stopped, to gratify the members from Maine, and let the tariff remain on wood-screws, to enrich a Rhode Island com-

pany? One is made in the West and the other in New England; but is that a reason why the one should be burdened by an internal tax to destroy, while the other bears an external tax to foster? Do you wonder that, at public meetings West, it is resolved that the Mississippi Valley shall no longer be tributary to cupidity and folly, and that men madly cry out: "New England fanaticism and speculation have made Disunion! New England stands in the way of Re-Union! Perish New England, that the Union may live!" There is a legend related of St. Lawrence. As he lay on the gridiron, conscious that he was sufficiently done on one side, he requested the cooks, if not too inconvenient, to turn him over and do him on the other. [Laughter.] I fear the West will never be canonized, if it requires such double sacrifices to reach the saintly calendar. [Laughter.]

But these economic abuses can be righted by another Congress. The evils are temporary. They would be borne, but unhappily they seem to be accompanied by an element harder to master—the PURITANISM of New England. [Hisses.] This is bred in the bone. It is the same now that it was hundreds of years ago. Like begets like. Generation succeeds generation, with the same stamp of Puritan character; taking success for justice, egotism for greatness, cunning for wisdom, cupidity for enterprise, sedition for liberty, and cant for piety. [Applause.] The West do not complain merely that their interests are sacrificed by New England capitalists, for their aggrandizement; but they detest the idea of Puritan politics, that aims should be reformed by the State, and that the State should unite its functions practically with the church, for the propagation of moral and religious dogmas. For these objects the laws of economy and the dictates of public opinion, which ever look to the *interest* of sections and men, are disregarded. He who fails to observe these laws understands little of the science of government. New England may be accounted smart in intellect, cunning in invention, and energetic in industry. She may boast of her libraries, schools, churches, and press. She may understand the science which subsidizes the lever, the pulley, the cylinder, and the wheel. She may study, as the worm does, how to draw a thread fine, and like the spider, how to make the web. She may understand the mechanism of matter, and may boast an Archimedes and a Jacquard in every factory. But such smartness may be unable to comprehend the machinery of a State. It may bring—nay, it has already brought—crash and confusion where better minds evolved beauty and harmony! [Applause.] It is not true that New England is smart in the sense of wisdom. It is not smart to be informed on one side of a question. One-sided information is the blindest ignorance. A man who reads the "Tribune" exclusively, has a crazy activity of mind. [Laughter.] It is no evidence of smartness that New England should array against her the ideas of the rest of the Union. She showed no smartness in allowing this war to begin, when she could have prevented it. She has shown none in her estimate of the formidable character of the rebellion. She has shown none in her Morrill tariffs and her schemes of emancipation. Is it smart to build factories and destroy the very sources of the cotton which runs them? Is it smart to overtax, for her own benefit, a more powerful section, as she has the West?

But it is neither wise nor just to impeach a whole people for the mis-

doings and errors of a part, even when that part is dominant. While, therefore, I analyze the elements of New England society, and their relations to our politics, I shall not confound that which is good with that which is mischievous. In colonial times, the resentful bigotry of an Endicott was relieved by the amiable character of a Winthrop; as in later times Daniel Webster [cheers] stands like a granite rock repelling the wave of New England isms. [Cheers.] I would not confound Rufus Choate, Chief Justice Shaw, Benjamin F. Thomas, Judge Curtis, and such illustrious men [cheers], with Theodore Parker, Wendell Phillips, Gov. Andrew, Charles Sumner, and the lesser spawn of Transcendentalism. [Hisses.] The one class have ever cultivated the graces of civil order; the other have been and are the Marplots of the Republic.

I speak of that ruling element, which even before it reached our shores, while it was in exile in Holland, while it ruled in early days at Plymouth and at Boston, and which has since been distributed all over our country, presents always the same selfish, pharisaical, egotistic, and intolerant type of character. We find it in our politics to-day, as the Tudors found it three hundred years ago, ever meddling for harm; and yet seeking its own safety by concessions, but never conceding any thing for the welfare of others, unless, thereby, it could help itself in larger measure. [Laughter and cheers.] Even in the time of Elizabeth, it compromised with its persecutors, by agreeing to the passage of a bill by Parliament which shielded the Presbyterians, but provided a punishment for the *Separatists*. Hopkins closes his history of the Puritans of that time, by saying, with discriminating justice, that "we do not claim for them that they had well-defined and correct ideas of civil liberty. For example, the dispensing power of the sovereign—utterly in mockery of all legislation and practically a canker at the root of civil liberty—seems to have been generally admitted by them." Just as now, when it suits their interest and object, they clamor for the proclamations and confiscations, which dispense with the Constitution.

If we are to take their own account of themselves, as, for instance, when garnished with the rhetoric of Bancroft, one might infer that they deserve the eulogy of Macaulay, and that every petty presbyter was the viceroy of the Most High, specially anointed to reproach mankind with its shortcomings. [Laughter.] The truth is, that their history, as written by themselves, has been glossed with falsehood. Investigation is fast rubbing off the lacquer, and the rotten framework of their ethics and politics is beginning to appear. If they are permitted to write the annals of this present war, the truth will never appear. [Laughter.] But so momentous a conflict as this has awakened better minds; and in the history which posterity will read, the Puritans will play the part of intermeddling destructives, self-willed and intolerant, beyond any characters yet known to history.

The grand key-note of the Puritan is, that "slavery" was the cause of this war, and that as men and Christians we should extirpate it. I do not intend now to refute this fallacy. Our past seventy years refute it. Because slavery was meddled with, and returned in violence what was given in wrath and malice, it does not follow that it was the cause of the violence. The doctrine of the French Socialist

Proudhon, that property is robbery and should be abolished, is a sample of the same fallacy. What is known as Abolition is, in the moral sense, the cause of the strife. [Cheers.] Abolition is the offspring of Puritanism. Until Abolition arose, the Union was never seriously menaced; the Constitution was never endangered. Puritanism introduced the moral elements involved in slavery into politics, and thereby threw the church into the arena. Our Christianity, therefore, became a wrangler about human institutions. Churches were divided and pulpits desecrated. A certain class in a certain section were sinners, and were damned forever. Speculative discussion about a higher law than the organic political law, poisoned politics and begat asperities of sections. The first harangue of George Thompson, in this country, under the auspices of the Fessendens of Maine and Garrisons of Massachusetts, was predicated on the idea that slavery was a sin against God, and that no Christian people should tolerate it. I hold in my hand the letters and addresses by George Thompson, during his mission here. In his first address, at Lowell, October 5, 1834, he laid down the dogmas which are now being worked out in disunion and blood. He said: "The medium through which he contemplated the various tribes that peopled earth was one which blended all hues. . . Toward sin in every form, no mercy should be shown. A war of extermination should be waged with the works of the devil. . . Misguided patriotism spread the alarm, 'the Union is in danger.' But whom should they obey? He boldly answered God, who required that men should cease to do evil." He demanded that the Constitution should be changed. "What though the Union was in danger!" said this interloper; "there is every disposition among British Abolitionists to extend to you their sympathy, their counsel, and their contributions." We are now getting in overmeasure the sympathy, counsel, and contributions of these lovely kinsfolk—the English Abolitionists. [Cheers and laughter.]

Following this, as the logical consequence of these higher-law notions, came another volume, which I hold in my hand: "The Constitution a Pro-Slavery Compact, or Extracts from the Madison Papers, etc., selected by," whom think you? Wendell Phillips! [Hisses.] In this volume it was shown, as I quote: "That a compromise was made between freedom and slavery in 1787, granting to the slaveholder distinct privileges and protection for his slave property, in return for certain commercial concessions on his part toward the North." It proved also "that the nation at large were fully aware of this bargain at the time, and entered into it willingly and with open eyes." In the same volume are collected from the speeches of Webster and Quincy Adams certain passages, showing that slavery had its protection in the Constitution, and therefore the Constitution was a league with death and a covenant with hell. It winds up with the demand: "No Union with slaveholders." Perhaps Wendell Phillips may not be considered by some as a representative of the Republican party. But he does truly represent this Administration, with its proclamation of Abolition. Look at the votes in Congress on my motion on yesterday, to lay on the table a resolution by Thaddeus Stevens, to raise 150,000 martial negroes. [Hisses.] Why, one would judge that the white race in this country were about to give up the conflict for their Government. I cannot see any special difference between the republican-

ism that sustains emancipation proclamations and the real old genuine Congo Abolitionism. [Cheers]. They are two separate links of the same Bologna made out of the same canine original. [Great and continued applause and laughter.]

I refer to these volumes to show that over thirty years ago the popular instinct feared that the Union would be in danger from these insidious borings of these Puritanic reptiles. The riots then consequent upon such enunciations, were the instinctive outgushings of the Union-loving masses, fearing a speech too free and a cause too reckless for the stability of the Government. These extracts are the germ of the power now overshadowing the land. We may learn from them that the religious element was invoked as the ally of this crusade against slavery. What though slavery was a part of the practical structure of society South, no matter. What though it was a part of the Providential order, just as it was in the time of Moses and the Saviour, no matter. Moses sought not to abolish it; Christ and his apostles meddled not with it, but taught those general rules by which it might be regulated, if not abolished, outside of civil government. But a new evangel was preached. Applying the old doctrines of Puritanism to our established order, it began, on moral grounds, to undermine the structure of our civil society. It might at first sight seem anomalous that New Englanders, who have prided themselves on their local self-government, beginning with the town meeting, should play the meddler with the concerns of other people far distant, even though, to do it, they took the name and doctrine of religion. But such is the contradiction of this Puritan character, that whenever it enjoyed a blessing it did not want it extended. In illustration, allow me to recur to the colonial days.

It is susceptible of proof, that the reason why the Pilgrim Fathers could not live in peace in England, was their tendency to propagate their creed offensively. They came hither, as is popularly believed, to escape persecution. When they came, what did they do? The Emperor of France, in his *Idées Napoléoniennes* (page 40), answers the question when he says that it is "almost always seen that in times of trouble, the oppressed cry out for liberty themselves, and having obtained it, they refuse to grant it to others. There existed in England, in the seventeenth century, a religious and republican sect, which being persecuted, resolved to go beyond the seas to an uninhabited world, there to enjoy that sweet and holy liberty which the Old World refused to grant. Victims of intolerance, certainly these independent men will, in the new country, be more just than their oppressors! But, inconsistency of the human heart! the very first law passed by the Puritans founding a new society in the State of Massachusetts, was one declaring the penalty of death to those who should dissent from these religious doctrines." This is the testimony of all history, as I shall presently show.

Before they left England, King James said of them, we doubt not with some truth, that they were pests in the church and commonwealth. When the Mayflower and the Speedwell were on the sea with their freight of Pilgrims, the same perversity among themselves occurred. Their own historian, Elliott (p. 57), says that these vessels contained the Pilgrim wheat sifted from the three kingdoms; but he says that it needed

sifting once or twice more. [Laughter.] One of their leaders said: "Our voyage hither (from Holland to Dartmouth) hath been as full of crosses as ourselves of *crookedness*." [Laughter.] Later, in 1621, he again said, "that they were yoked with some ill-conditioned people, who will never do good, but corrupt and abuse others." Oliver, in his history, proves that the captain of the *Mayflower* was bribed by the Dutch, who had settlements in this vicinity, not to land the Pilgrims in or near the Hudson, where they intended to settle. [Laughter, and a voice, "That's true."] If there are any praying Knickerbockers here—[cries of "Plenty," and laughter]—I hope that I may not be considered intrusive upon spiritual concerns, if I suggest that it is not too late, even yet, to give thanks for that pious fraud which led to this happy riddance! [Great laughter.]

There is no doubt that, when exiled, as soon as they learned the language in Holland, they began to wrangle with the Dutch about their creed. This will account for the anxiety about their presence in the island of Manhattan. It is a mistake to suppose that the Pilgrims left Holland on account of religious persecution. The reason which they gave for leaving Leyden was that the Dutch would not observe the Sabbath, and the fear lest their children should grow up dissipated Dutchmen. [Laughter.] But there were other reasons. They anticipated poverty, and were greatly influenced, as is sometimes the case yet with their descendants, by worldly considerations. [Laughter.] In the language of the time, their hopes of wealth mingled largely and freely with their hopes of heaven. [Laughter.] Adventure toward New England, by the northern company, was not altogether inspired by the yield of gold and silver, though visions of "mines which lay hid in the earth" were not wanting. But their treasures lay in the sea, and their divining rod held its hook and line. [Laughter.] They came here to serve God and catch fish. [Laughter.] When the Pilgrims went to James for their charter, he asked: "What profits do you intend?" On being told "Fishing," he replied, ironically, "So God have my soul, 'tis an honest trade, 'twas the apostles' own calling." [Laughter.] It is a pity to spoil the poetry of Mrs. Hemans about the Pilgrims, by painting them as fishermen, who expected to find silver in the mouth of the fish they took; but so it is. We can say of them, with truth, that they "sacrificed to their net, and burned incense to their drag, because by them their portion is fat and their meat plenteous." Their descendants have not forgotten unto this day to urge that the government of the Union should give them their fishing bounty. It is one among the privileges enjoyed by New England for her godly and apostolic mode of life. [Laughter.] When they catch a cod, out comes a tax from a western farmer! But when we catch a catfish or a sucker, in the West, we do not get any bounty. [Laughter.]

The Puritan historian, Elliott, remarks upon the second ship load of Pilgrims, called Weston's men, that they were utterly demoralized; so much so, that one of their number, *from a lack of principle*, while gathering clams, stuck in the mud and died there! [Laughter.] The early annalists do not forget to record the fact, that as early as 1626, Captain Wollaston's company arrived; and that one Morton seduced them into quaffing and drinking, dancing and frisking; and that therefore they were no better than atheists. One of the moral triumphs of the Puritans con-



sists in their having cut down the May pole of these revellers and captured their junketing captain.

This tendency to make government a moral reform association appears all through their history. It is the especial curse of this nation at the present time. This anti-slavery propagandism springs from it. Read the barbarous and silly codes of laws in Massachusetts and Connecticut, punishing Quakers with death and fining persons twelve pence for smoking tobacco within two miles of a meeting house [laughter]; or the penal laws against Dissenters voting and against walking in the gardens on Sabbath; or the horrid cruelties against witchcraft and the puerile enactments against making mince pies on a Sunday—[laughter]—which obtained in these colonies, where the foundations of Democratic liberty are said to have been established. Is not the same spirit yet rife which mingles morals and politics to the detriment of both? The Maine liquor law and the revenue tax law on liquors spring from the same source. Regardless of the rights of property in the one case, or the spirit of a revenue act in the other, New England bigotry ever strives to cure men's morals by legal penalties. From this same fountain the bitter waters of civil strife have flowed. In this moral sense, the Constitution is now sought to be construed, administered, or nullified. The counsel of the War Department, Mr. Whiting, a Boston attorney, in an elaborate discussion of the war powers and legislative powers, follows the Puritan doctrine, by upholding the "right of the Government to interfere with slavery, Mormonism, or any other institution, *condition, or social status*, into which the subjects of the United States can enter, whenever such interference becomes essential as a means of common defence or public welfare." It is always understood, of course, that what is for the common defence and public welfare, is to be decided by the Brahmins of Boston! It being also further understood that we Soodras of the West—being of another and inferior caste—are obliged to confess the infallibility of the Brahminical decision. It is under just such doctrines that proclamations of anti-slavery issue. Other sections are not to be consulted. Had the central, western, and border States been consulted, the proclamation never would have been issued. Giving to the rebellion more vigor and unity, and to the North discouragement and division, it will only be potent for mischief by procrastinating the war. This is the direful result of these intermeddling purists of New England. But the proclamation was to end the war. How? By the paper and ink used in its printing? By the language written, or the sound thereof? No! But as a military measure! How? By stirring up the blacks to mutiny, and thus stopping the supply of rebel labor! Well—two weeks are gone. We see no sign yet. Over three months are gone since the threat of its issue; but where are the results? It has made every southern man and woman a police force to guard against an uprising of the blacks; but the great rebellion lives. The war goes on. Governor Andrew and the negroes may continue to dance their jubilees with their head, and, as usual, to contemplate its results with their heels. What idle and criminal nonsense to expect a rebellion like this to be put down by words—legislative or proclamative—words drawn from the passionate and wild utterances of New England Puritanism, in press and pulpit. Rather than yield this censorship over

the morals of these States, New England was ready to welcome this bloody strife of brothers. Nor is this the first time she has convulsed the Republic, to propagate her dogmas. In 1798, the same overbearing selfishness was exhibited. In a letter of June 1st, 1798, from Mr. Johnson to John Taylor of Roanoke, it is said :

"It is true, that we are completely under the saddle of Massachusetts and Connecticut ; and that they ride us very hard, cruelly insulting our feelings, as well as exhausting our strength and subsistence. Their natural friends, the three other Eastern States, join them from a sort of family pride, and they have the art to divide certain other parts of the Union, so as to make use of them to govern the whole. This is not new ; it is the old practice of despots, to use a part of the people to keep the rest in order. And those who have once got an ascendancy and possess themselves of all the resources of the nation, their revenues and offices, have immense means for retaining their advantage."

Could there be a truer description of our present condition, under the lash and spur of this fanaticism? Speaking of this condition and its causes, an eminent New England divine and scholar, Dr. Lord, well remarks, that we were safe in the Union till the moral balance was deranged, and the Church and State fell out of their true relations to each other and to moral government. He says further :

"We were tempted almost unconsciously into that snare by introducing a moral element—slavery—into the reckoning of politics, and thereby brought Church and State together down to that lower level. From that time our glory has departed. Our Christianity has become secular, and our secular glory has been dimmed in having lost the reflection of a more spiritual light. We have substituted speculation for faith, and our speculative discussions have been degraded into angry wranglings. We have made God and man to exchange places. His institutes and His constitutions we have interpreted by the 'higher law' of our own conceits. We have converted the Sovereign Law Giver into a politician. We have discussed by our own standards, and determined by vote how it is best for Him to carry on His government of the world. We have inquired not what He has willed and done, but what it is expedient for Him to will, and say, and do, according to a master, a party, or a school. We have popularized our creeds, measured principles by their utilities, and *God himself by His supposed subserviency to our ideas.*"

I propose to give two illustrations of these truths. The first is in your midst. Every Sabbath you have a sermon from Dr. Cheever [hisses], demonstrating that our failures in battle are owing to the displeasure of God, because of the sin of slavery. [Cries of "Oh !"] He makes slavery the terrible crime of the world in his own fancy, and reduces Omnipotence to the task of punishing us by war for its existence. He conveniently forgets that there is another side to the battle, and that when we fail, God sides, by his foolish logic, with the slaveholders. [Laughter.] Parallel with this logic, turn back to 1676, when Randolph came to New England from the parent Government, to find out the cause of the Indian war. The answer of the Government of Massachusetts furnishes the cause. It officially declared that "these are the great and provoking evils for which God hath given the barbarous heathen commission to rise against them : For men wearing long hair and periwigs made of women's hair. [Laughter.] For women wearing borders of hair, and for cutting, curling, and laying out their hair, and disguising themselves by following strange fashions in their apparel. [Laughter.] For profaneness in the people in not frequenting the meetings, and others going away before the blessing is propounded. [Laughter.] For suffering the Quakers to dwell among them, and to set up their thresholds by God's

thresholds, contrary to their old laws and resolutions, with many such reasons."

Thus it will be seen that the original defects in the Puritan pattern have been copied to this day. Like the Chinese artist, when told to copy a fine and costly piece of porcelain to which some accident had happened, he followed his instructions with such great skill and labor, that he copied the crack which extended the whole length of the model. [Laughter.] Another fact of history not generally accepted, is that the charter granted by King James to the Pilgrims, was for the express purpose of enlarging the gospel by the conversion of the Indians. The charter was intended to start a rival mission to that of the Jesuits among the red men. Of course, commerce, fishing, and the gospel were to go hand in hand. But the sequel showed that instead of evangelizing the Indians, they soon began to regard them as red devils, whose extermination was a great duty, inasmuch as a military necessity demanded their rich lands. [Cheers and laughter.] The salvation of the red men was entirely forgotten in their disputations among themselves as to their own creeds. Their charter was violated. Turbulence and meddling between the various settlements began to prevail. The Church ruled with an iron sceptre. No one could be a voter, if he were not a church member. Although the agents of the Puritan Bay State, when they departed from England, prayed for the prosperity of their "dear mother," the Church of England, they were ready to persecute in the wilderness as well those who adhered to that Church as those who dissented from themselves. Under the rule of this Puritan church, every form of surveillance was practised. The late spy system in New England churches, as illustrated in the case of the father and son, at Boston, last year, who were accused of disloyalty before a board of deacons, because they were Democrats, finds its antetype in the cruel persecutions of the Quakers and Baptists, and in the Salem witchcraft. There was then a general belief that Massachusetts had a devil. That belief prevails yet, outside of Massachusetts. [Laughter.] The miserable fanatics of 1691-'2, who hunted out little girls and poor old women and tried them for witchcraft in meeting houses before godly hypocrites, have their imitators in the zealots of to-day—those minions of power who spy about to accuse and arrest those who differ with them in politics. [Cheers.] Cotton Mather said then: "The Ty Dogs of the Pit are amongst us; and the firebrands of Hell are used for scorching us, and that New England should be thus harassed! not by swarthy Indians, but they are sooty devils." His saying would have more truth repeated now, for the present generation. The same egotistic intolerance is observable in their treatment of Roger Williams in 1635. His persecutors came to New England with no correct ideas of religious toleration. Their system tolerated no contradiction and allowed of no dissent. The statutes of uniformity of England they reenacted here, by church and public sentiment. This was the source of those dissensions which rent their own youthful Republic, and whose intolerant spirit has produced in our time that sectional alienation which deluges the land in blood. The New England Pilgrim drove Roger Williams into the winter wilderness, as he drove Mrs. Hutchinson and Coddington to the same exile, for differences of opinion in religion. He enacted laws forbidding trade with these outlaws for con-

science sake. Savages were more kind than these bigots ; for the Indians hospitably received the victims of persecution. Disdaining the Pope as Antichrist, and hating the prelate, these harsh Pilgrims set up every little vanity of a preacher as their pope infallible, every village Paul Pry as an inquisitor, and every sister communicant as a spy for the detection of heresy.

It is an unpleasant task to recall the fierce disputes of these "gospel magistrates." The trial of Vane and Coddington, and the trial of Wainwright and Mrs. Hutchinson, are fruitful in suggestions bearing on the present time. Eighty-two distinct heresies were passed upon at one time by the Synod at Boston. In these isms of that early day, you will find the type of all the isms of the present ; including free-loveism, which has its counterpart in the Familists. The history of Puritanism is a catalogue of murders, maimings, extortions, and outrages, contrary to English common law, and against every notion of human justice and liberty. Search history from the death of Abel to the present, and you will find no such cruelties as those practised by the prejudiced, dyspeptic Puritans, not only upon the white citizen and the Indian, but upon the simple Acadian peasantry, whose distant homes they invaded and destroyed. That iron-visaged man, in his high-peaked hat and ruff, whether he played the part of magistrate and elder, or that of Dugald Dalgetty, like Captain Miles Standish, impelled either by his "conscience or his catarrh," rises from the dark background of colonial history, the most hateful image ever pictured by Time, the more detestable because many of his victims, as in the far-off Acadia, were the most patient, gentle, and tolerant of men ! No wonder a New England poet, Halleck, writes :

"Herod of Galilee's babe-butcherer deed  
Lives not on history's blushing page alone.  
Our skies, it seems, have seen like victims bleed,  
And our own Ramahs echoed groan for groan :  
The fiends of France, whose cruelties decreed  
Those dextrous drownings in the Loire and Rhone,  
Were, at their worst, but copyists, second-hand,  
Of our shrined, sainted sires—the Plymouth Pilgrim band."

Had these Pharisees remained in England, they might have become martyrs to their faith, and died glorying in religious persecution. But truth demands that we should call them by their own names ; they were in America the cruel zealots of bitter persecution, the more odious because they professed so differently ; the more odious still because they were reprov'd in their own generation by better and nobler men, like Williams, who were their victims. Were there not so much of suffering and malice attendant upon such intolerance, we might dismiss it all into that

—— "Limbo broad and large, and called  
The Paradise of fools."

All that relieves New England from the blackness of these reproaches, is her splendid zeal and sacrifice for independence in the subsequent century. Though it is by no means clear but that she would have rebelled against the best government on earth, or even a commonwealth of angels, not according to her own notions ; yet the mother country gave her cause, and she vindicated it with spirit.

The boast that the Pilgrims were the fathers of Democratic liberty in this country, is absolutely untrue, unless their persecutions, which led to it, may be considered the cause of such liberty. Allow me to adduce certain facts to prove what I allege:—New Plymouth, which remained separate from Massachusetts Bay until 1688, is pointed to as the exemplar in this great work of human progress. The truth is, that Plymouth received its privileges in a mercantile line from the London, Virginia, and afterwards from the Plymouth Company of adventurers. They left England because they had not the stamina to remain and contend, like the Hampdens, Sidneys, and Miltons, for their English privileges. Bradford, Brewster, and Carver may have been godly men; but there were men in the Mayflower who wished a larger liberty than their leaders were willing to accord. The famous "Compact," signed in the cabin of the ship, 11th November, 1620, was forced from the superiors by their inferiors. So says the historian. (Elliott, 104.) I quote: "The men of birth and education among the Pilgrims, and they were few, did not intend a Democracy. They had no faith in it." The social distinction between "Mr." and "Goodman" still continued. Not until Williams and Codrington, respectively at Providence and Newport, R. I., established the first Democracy in America, with the majority of the freemen to make laws, and upon the basis that no man should be made criminal for "doctrines," was there any true political or soul liberty in New England. In Massachusetts, according to Judge Story, five-sixths of the people were disfranchised because they were not members of the church. The code of anti-democratic sumptuary laws is the most abominable ever enacted, not merely for its harshness of penalty, but for its caste discrimination. It seems copied from the Gentoo code. Indeed, we know, as Dr. Holmes has said, that there are yet in New England the Brahmin and Soodra castes. There is an old law that *men* might be whipped forty lashes, but *gentlemen* never, except in very flagrant cases. The excesses of apparel were provided against rigorously. Men of mean condition were not allowed to dress in gold and silver lace, or buttons, or points at their knees, or to walk in great boots [laughter], or women of the same rank to wear silks, hoods, or scarfs. In Harvard College penalties were meted out upon the same Gentoo code of caste. This was Democracy in Massachusetts. In this Commonwealth the directors of a company usurped the power of rulers and magistrates. The elders of the church upheld them. John Cotton wrote with pious horror that "Democracy was not ordained as fit for the government either of church or commonwealth; as for monarchy and aristocracy, they are both of them clearly approved and directed by the Scriptures." The freemen rose against both Church and rulers, and after a long contest, the freemen succeeded; but they, too, broke the charter. No one was allowed to be a freeman but a church member, and the State relapsed into a bigoted church oligarchy. Then began a new contest for supremacy. The church, of course, took the side of the oligarchy, the Puritan leaders still struggling against the growth of civil liberty. The republican cast into which the government was finally moulded, was forced upon it by the freemen, in spite of the elders and magistrates. The very genius of their religion disfranchised the people, and, strange as it may seem, the people disfranchised by the Church owed then their

final emancipation into Democratic liberty to the compulsory interposition of Charles II. In the seventeenth century Puritanism muzzled the press and sealed the lips of its victims and enemies, just as in the nineteenth the same inveterate foe of Democracy has done the same thing. The wrong-headed fanaticism which refuses to consider the Democratic Gospel of Love, clung to the Old Testament with its *lex talionis* for its codes. Familists and Baptists, Quakers and deluded people who gathered sticks for fire on a Sunday, were all punished by the harsh Jewish code. All other crimes not punished by the law already enacted, were to be attended to according to the old Bible, as the fanatic interpreted it, the "higher law" of their own private judgment being the canon of interpretation. This is the boasted Pilgrim Democracy!

Do we wonder that crimes of the most disgusting and heinous character abounded here? In 1689, the elders in Synod bewailed the great and visible decay of godliness. Apostasies and degeneracies, profaneness, debauchery, cursing, swearing, lying, gaming, Sabbath-breaking, idleness, drunkenness, and uncleanness constitute the frightful picture of Puritanism before a half century of rule in Massachusetts. By striving to make the Church political they did not make the State religious. The smallest privilege of citizenship was only obtained through grace and saintship, and hence general hypocrisy and demoralization.

It is not within the scope of this address to show how these men of God treated the Indians. Their doctrine, that lands unoccupied by agriculture it was theirs to take, "*vacuum domicilium, cedit occupanti*," was deduced from the Jewish code, just as they held and traded in slaves by the same code. What a civilization is this to be commended to the acceptance to-day of twenty millions of people! The rules for our guidance in national trouble can never come from such a source.

What has New England done for the country? Much every way, as Governor Andrew boasts; but chiefly this, as I think. She has sent to us, as to New York, many liberal-minded, noble men. She has given us Douglas [cheers], Seymour [cheers], McClellan. [Great cheering.] Liberal, great, but liberal and great because they have repudiated Puritan teaching. [Applause.] Moreover, she gave Samuel Adams for Revolutionary counsel, and in later days, Rufus Choate to admonish us of the dangers of sectionalism. In the old war she gave Greene and Stark, neither of them representing the Puritan element. Greene was a Quaker of Rhode Island, and moved South. Stark was a Democrat, and one of his descendants, who, last year, was the Democratic candidate for Governor of New Hampshire, is now battling against Puritanism in that State. In the late war she gave us General Hull, as in the Revolution General Arnold, and as now she gives us General Butler. [Groans and hisses for Butler.]

New England voted against Jefferson at first, and her pulpit reviled him as it did Douglas. She voted against Jackson at first, and her press slandered him, as it now slanders McClellan. Her Josiah Quincys denounced the acquisition of Louisiana, as in later days her Sumners have denounced the South. Her Mathers, of the colonial days, thundered against the Quakers and Baptists because they differed in doctrine, just as lately Butler closed the churches of New Orleans because the ministry

would not pray as Butler—the Saint—dictated. She denounced, in early times, the Indians as devils, whose lands were forfeit, as now she denounces slavery, while her humanitarians covet the vacant soil and her speculators slip through our lines to dicker for slave-produced secession cotton. ["That's true."] She has been the foe to the Democracy from the days of the Revolution to the present hour. Her *Marseillaise* is a hymn of apotheosis to John Brown—a horse-thief and a murderer. But amidst all these conflicts she has had in her midst a minority of liberal, steadfast, and patriotic Democrats. I desire to be understood as casting no reflection upon this heroic minority, soon, I trust, to become a triumphant majority.

To sum up the general aspect of this Puritanism: It does not appear to have exemplified but rarely the duty of obedience to the civil magistrate. It never consecrated a savage to God, in accordance with its early charter. Its usurped powers were never used to quell sedition and to strengthen peace. It has always had a squint-eyed intellect which reminds me of—[A voice, "Butler!" cheering]—looking with two optics to one selfish point; and a eunuch morality ever exclusive and revengeful. Its solemn pretenses to peculiar godliness were the general rule, while Liberty of Conscience and Democracy in polity were the exception. Instead of making the Church the tomb of dissensions, it made the Church the theatre of strife, and carried into the State the same pretensions and bigotry which it illustrated in the Church. Its literature was of that vain-glorious character, which yet distinguishes the descendants of the Puritans. What it has gained in grace of style it has lost in sincerity. Mark its progress from the Mathers of one hundred and fifty years ago to the Cheevers, Beechers, and Parkers of to-day. Swollen with spiritual pride, it complacently assumed to read the designs of Providence as if it were a part of the God-head! Its harshness made the Conformist into a Separatist, the Separatist into an Anabaptist, the Anabaptist into a Quaker, and the Quaker into an Infidel. From step to step in our day, it has run the round from orthodoxy, beginning with Mucklewrath Cheever, brim full of vengeance against sins "he has no mind to," and winds up in that perfect infidelity and scepticism which Parker preached and Emerson sung. Exalting this life above the next, it is not content with the order of Providence. It must assume control of the Chariot of the Sun, and direct all its shine and shadow. Alas! how fatal has been its direction in national affairs, this red chaos in our system now tells! The Puritanism of the Wilderness of 1630 and 1690 was restricted in its results and evils. Now we see its workings on a grander scale, involving a Continent in its contentions. It is a power. So is Satan. It is intellectual. So are his ministers. It has pride, stubborn and egotistical. So all scourges of the earth, have had from the Proconsul of Sicily to the Proconsul at New Orleans. Can any one ask: "How is it possible for such a civilization to be the cause of so great a civil war?" Because it is the parent of Abolition, and because Abolition, such as Thompson and Phillips taught, found the right soil for their bad seed; therefore it flourished to the overthrow of civil liberty, by the intermeddling with State institutions and social and labor systems, entirely alien to New England, under the Federal Constitution. Holding to the higher law, and at last obtaining office under its banner,

it spread distrust and apprehension of its excesses among one-half of the States, and rebellion, rash and unjustifiable, was the result. Men of no mark—mere pigmies compared to Webster and Choate—the Andrews and Sumners of the day, inflated with an airy sentimentalism, began their propagandism, to make saints by statute, and Paradises out of politics. They rallied all the isms to the one baneful and hated focus of Abolitionism, and drove the half of the nation to revolt by its contumely and aggressions. Visionaries, mistaking their fancies for the Gospel of Kindness and Peace, intent upon the restitution of the blacks to a liberty they only give them in fancy, destitute of all practical concern for Church and State, they have striven, like the classic sorceress, to give a new youth and beauty to the State by dismembering it. [Applause.] They substitute their Platonism for the Gospel of Christ, and thereby lose that docility and humility which are the very essence of Christianity.

At the New England dinner, not long since, Mr. Beecher took pride in these very characteristics. He gloried in the Yankee because "he was the most prying and meddlesome creature in God's world, the born radical of modern civilization, the pickpocket of creation [laughter], that to leave New England out of the Union was to leave the head out of the body." [Hisses.] This is the old egotism. It is the same superciliousness which has produced so much scorn South, and is now alienating the West. This claim of all the intelligence and conscience of the land, which comes from Boston and is echoed from Brooklyn, is the offshoot of the same pharisaical cant, which has sung its own praises through its nasal organ for three hundred years. [Great cheering and laughter.] It has assumed peculiar offensiveness now and here amidst the bloody strife, of which it is a prominent contributor.

I propose to examine the source of this egotistic and arrogant philosophy. It is not from the Gospel. It is not even a bad exaggeration of the old Puritanism, for that had many harsh and rigid virtues. It comes from that coterie known around Boston as Transcendentalists. Its first organ was the "Dial." Its most clever exponent was Emerson. It has its priests, high and low, including the great Channing, who ministered in holy things with many enlarged graces of heart, to the little Channing, who foists himself into the Senate room at Washington of Sundays, to preach Abolition hate and retail such slander against the Democracy as the powers at Washington seem most to relish.

But what is this transcendentalism? Whence is it? It is stolen from Hindostan by Mr. Beecher's pickpocket of creation. [Laughter.] It is the emanation of Oriental speculation. This I will prove. The smart Yankee has only plagiarized what the Vedas contain, what the Brahmins believe. All the poetic prose and prosaic poetry of Emerson; all the vague generalities of Alcott; all the infidelity of Parker; all the sentimentalism of Phillips, come from the Dialogues of Kreesna and Arjoon, called Bhagavat-Geeta, originally written in the Sanscrit, translations of which, under the auspices of Warren Hastings, are to be found in some of the libraries. This philosophy cannot be called Pantheism, for that absorbs nature and man in God; it is not Materialism, for that absorbs man and God in nature; but it is the absorption of God and nature in man, and that man the Brahmin or the Puritan! It believes in nothing



but the soul. The soul of man is God and nature. No matter, *no color*, nothing but the soul in man; he is all; it is all. One of these disciples—Alcott—holds that the world would be what it should be, if he were only as holy as he should be. This is the nearest approach of this sect to humility. He being all in all, he holds himself personally responsible for the obliquity of the earth's axis. [Laughter.] Do you wonder, therefore, that he holds himself responsible for slavery in Carolina? Another, Emerson, holds that he (Emerson) is God; that God is every thing; therefore he (Emerson) is every thing. [Merriment.] Do you wonder, therefore, that since he makes the negro a part of himself, he holds him to be his equal? [Increased laughter.] Or that he believes that every thing is—as he is? Do you wonder at the imperturbable impudence and self-sufficiency of the Puritan thus indoctrinated? The Hindoos said: "Rich is that Universal Self, whom thou worshippest as the Soul." The same sentiment is found in the verse of Emerson: "Nothing is if thou art not; thou art under, over all; thou dost hold and cover all. Thou art Atlas; thou art Jove!" Do you wonder that, under this philosophy, the Southern men and mind were underrated? That the greatness and strength of Massachusetts and the North were overrated? It was under these moonshiny delusions that Governor Andrew foresaw the roads swarm with the myriads, who never trooped to the war [laughter], and that Greeley beheld the nine hundred thousand rush to Father Abraham, who are yet to rush. [Laughter.] Turn again to the Hindoo, and hear what the Puritan saith in the Sanscrit. I read from the Geeta; but you will think it is the "universal Yankee," speaking of himself: "I am the sacrifice, the worship, the fire, the victim, the father and mother of this world, the grandsire [laughter], the preserver. I am the holy one, only worthy to be known. I am the hope of the good, the comforter, the creator, the witness, the asylum. I am generation and dissolution. [Laughter.] I am sunshine. I am rain. I now draw in; I now let out. I am death and immortality. I am entity and nonentity. [Laughter.] I am the beginning, the middle, and the end. [Merriment.] Among the faculties, I am the mind." Just what Mr. Beecher holds. [Laughter.] "Among the animals, I am reason; among the mountains, Himalaya; amongst the floods, I am the ocean; amongst elephants, I am the everlasting big elephant. [Great laughter:] Of all science, I am the knowledge of the ruling spirit; and of all speaking, I am the oration." [A voice: "Sumner." Laughter.] "Amongst rulers, I am the rod." [A voice: "That is Butler." Laughter.] "Amongst those who seek for conquests, I am the policy." ["Abolition." Laughter.] "All the qualities incident to beings, such as reason, truth, humility, meekness, equality, courage, fame, shame, renown, and infamy, come from me!" A Brahmin, that is, one who lives in or near Boston, can attain unto these. "All these qualities," says the Hindoo, "hang on me, as jewels and gems on a string, for there is not any thing greater than I." How is he to attain all these? The Hindoo again tells us: "He should sit, with his mind fixed on one object alone"—the negro, I suppose [laughter]—"in the exercise of his devotion for the purification of his soul, keeping his head, his neck, his body, steady without motion, his eyes fixed on the point of his nose"—cross-eyed, you see [laughter]—"looking at no other

place around." Thus, and not otherwise, he sees heaven at the tip of his own nose. [Laughter.] Were it not that these directions are written in Book VI. of the lectures of Kreesna, one would imagine they were written by Cotton Mather about himself, or a Boston philosopher in and about the Hub of the Universe. [Laughter.] It was by following these directions of the Vedas that John Fisher Murray, an Irish wit, was enabled to prove that black was white, and by a process of unification which will commend itself to Boston Transcendentalism. "Black," says he, "is one thing and white another thing. You don't contravayne that? But every thing is either one thing or the other thing. I defy the Apostle Paul to get over that dilimma. Well, if any thing be one thing, well and good; but if it be another thing, then it's plain it isn't both things [laughter], and so can't be two things; nobody can deny that. But what can't be two things, must be one thing; ergo, whether it's one thing or another thing, it's all one. [Great laughter.] But black is one thing and white is another thing; ergo, black and white is all one." [Laughter.] *Quod erat demonstrandum*, that a negro is as good as a white man. [Laughter.] The ordinary perception of mankind would be shocked at such a conclusion, but a Puritan Transcendentalist accepts it as a part of the soul unity, which he derives from looking with solemn introspection into his own nature. This is what imparts to Transcendentalism such a sublime egotism. All that is great in invention, in letters, in reason, in war, must emanate from its "over soul." It peeps into all things, and some others; "*de omnibus rebus et quibusdam aliis*." Mr. Beecher, in describing the universal meddlesomeness of the Yankee, has but the voice of Brahma, which Emerson echoed, when he wrote:

"There is no great and no small  
To the soul that maketh all,  
And where it cometh, all things are,  
And it cometh—everywhere." [Laughter.]

The "Evening Post" wonders how a Union hereafter is possible, with New England out! "Can there be," it asks, "a head without brains, or a body without heart? Where there is a school, there is New England; a free press, New England; a lecture room, New England! Can these be left out, and a soul remain?" Some day, this dream of Puritan complacency may break, and the fact, hard and granite as her hills, remain, not that she is left out, but that, by the action of many of her own sons in the North-West, whose transplanting has improved the stock and enlarged the culture, her peculiar ideas are limited in their effect and scope to her own borders. Her heathen philosophy cannot live. As Dr. Lord has recently said: "Its gaudy sophistry took its natural popular effect; it assumed to be arrogant, insulting, and encroaching. It was envious of God's appointments—the family, the State, the church; and it scrupled not to assail their blood-cemented foundations." In the press, lecture, pulpit, and finally in Congress and the Executive Departments, it has pursued its way and enveloped this nation in garments of blood. It will only awake, I fear, from its gory dream, when it is left weeping over the victims of its own delusions. This philosophy has a deeper and worse aim than that of uprooting the State. Already it has sown the seed of dissolution in the church, and scepticism in all creeds. Parker, following the Hindoo and

Emerson, found what he called the "out-ness of God to be the in-ness of man, and so God works with us." Or in other phrase, since God is man and nature man, "many a savage," says Parker, "his hands smeared over with human sacrifice, shall come from the East and West, and sit down in the kingdom of God, with Moses and Zoroaster, with Socrates and Jesus." Thus we are taught in shocking blasphemy that the worst method of life will answer as well as the best. And again, he enjoined his disciples "to obey God, as the spirituality of spirit, which is immanent in all things; in the blush of the rose and in the bite of the dog; in the breath of the breeze, and in the howl of the maniac. Believe that the Divine incarnation is in all mankind; therefore, imitate it, and if we sin, ask no forgiveness." Nor need we wonder that, from the same source, the Intercessor for Mankind, the SAVIOUR, is sneered at as "the Attorney by which we are to approach the Infinite"; or, that when such systems have their devotees in religion, Abolition has its devotees in political ethics; or that a spirit of hostile encroachment should mark the career of this cabal of egotistic zealots, and that State lines are obliterated and constitutional faith dissolved as figments in their crazed imaginations. Alas! this war is teaching the people, too late, that the Federal Union is not to be carried on by the dogmas of Brahma, or the sophisms of Emerson, or the infidelity of Parker. We are taught, too late, that a system of public morality prevalent in one section, is not the guide of duty under the Constitution; that the inexorable laws of economy, of climate, soil, production, supply, and demand, are not to be overruled by the poetry of Whittier about the oppressed black, or the vagaries of Sumner about the barbarism of slavery.

I have thus traced the history and philosophy of Puritanic egotism and self-sufficiency, which has fomented trouble in distant domestic affairs. I have already detained you so long that [cries of "Go on! go on!" from all parts of the house] I will conclude with some practical reflections on the consequences of such conduct. When the Constitution was made, there were two kinds of interpretation which followed it: that of New England, which tended to centralize power, and that of Virginia, which decentralized power. The one encroached on State rights; the other restrained the encroachment. Under the contention, New England, with her personal liberty bills and higher law, alarmed the South; and the South, in return, pushed her interpretation into actual and violent secession. New England got her advantages in the Constitution for yielding its protection to slavery. They were commercial and profitable. She has yet her tariff and bounties. She has ever made the most out of the Federal Union. When she was called on to make sacrifices, as in the wars of this country, she was loth to make them. There are even now 16,000 deserters from the Massachusetts regiments. She forgot her hatred of State rights in the late war with Great Britain. Her Hartford Convention was called to endorse the policy of Governor Strong, of Massachusetts, that no forcible draft, conscriptions or impressments should be made by the General Government upon the States. That Governor refused to accede to the President's requisition for troops, to be used by the President in a war against England, which he could not approve. This smacks somewhat of the late conduct of Governor Andrew, when he sought to impose conditions as to

troops in the present conflict. The famous Hartford Convention was a secession body. Its address urged that "some new form of Confederacy should be substituted among those States which shall intend to maintain a Federal relation to each other;" and concluded with the usual Puritanic appeal to "a higher authority than any earthly government can claim." Later, in the Mexican War, we know how prompt the Puritans were to seek a refuge from national duty in the doctrine of Peace and Disunion; we know how Charles Sumner had found the "true grandeur of nations" to consist in arbitration and peace under every possible condition of things; and how the press and the poets of New England laughed at the sergeant of the United States when he beat for recruits. By pasquinade and from pulpit, the war was discouraged and enlistments checked. But now, when the present war is to be carried on against the South; when Puritanism is to be gratified by the death of slavery; when the nation is rocked by the throes of civil, and not foreign war, the same old vindictive intolerance is aroused which made the early Puritans so infamous. There is aroused the same desire to confiscate, which changed the red men into sooty devils, that the saints might enter in and possess the lands of the Pequods; and the same arrogant assumption of intellect is quickened which will never cease till it assassinates the Republic. New England may thrive for awhile on the war contracts, which keep her people busied and money plentiful. So long as this seeming prosperity is kept up, her cry for slavery extermination will be loud. But a day of reckoning is near at hand. Her insane propagandism is working out its fruits. The people in the last elections have expressed their detestation of her doctrines. Even the people of New England, from Maine to Connecticut, will begin to consider their position. The popular verdict is not yet fully heeded at Washington. The infatuation of Congress continues. But the Government and its administrators have felt the shock, and a dead lock, political and military, is the result. Montesquieu has well described our condition: "There is in every nation a general public spirit upon which power itself is founded. When that power shocks that public spirit, the shock is communicated to itself, and it necessarily comes to a standstill." Confiscations and Proclamations have produced this terrible paralysis of the State. When the people arouse from this terrible condition, and fully realize what it is and who are its authors, the anathema against the perfidious parricides of the North will hardly be less than that which followed the violence of the Southern traitors against the majority of the nation. [Cheers.]

In conclusion, Democrats of New York, you have traced with me the footprints in history of this inveterate foe to our Democracy, the Puritanism of New England. You have seen its bitter waters gushing in the wilderness from Plymouth Rock, and running through history in the same old channel, until its latest movement now for negro emancipation. You have seen it poisoning the pulpit and the press with its dogmas. You have seen it silently boring like a reptile into the moulds of the Constitution. You have seen the barriers give way and the flood rush in—a sea billowy with fraternal blood. It has obtained power, arms. We know how it has used them, and at what cost. War has been called a wholesale gravedigger, who works for wages! What wages? Ask the Secretary of the Treasury, now in your city to raise fresh hundreds of millions.

At what sacrifice? Ask those who are bereaved and those who are wounded. Ask a quarter of a million of Northern, not to count Southern men, who have perished in the field or hospital. Alas! they cannot answer. Their rude graves in the distant South answer. Fortunes totter; industry is palsied; bankruptcy threatens, for speculation riots around your moneyed centres. The tax gatherer, the embalming doctor, the nurse, and the army scavenger play their part in this great drama, and behind it all stands the gibbering fiend of Abolition, determined to make the war, begun in honor and patriotism, end in hate and disunion! It has already determined not to allow the Democracy to save the Union. But by the God of our fathers! though the Union be shattered; though its bleeding fragments may seek temporary alliances East and West, the Democracy will, if it take a lustrum to do it, fight under the old constellated banner, making its order of march an order of battle, for the restoration of THE UNION AS IT WAS, by the supremacy of THE CONSTITUTION AS IT IS! [Tremendous cheering, during which the audience rose to their feet. Three cheers were given for the speaker and three for Ohio.] Let the Middle, and Western, and border States firmly move on in the work. The dissonant din of these ideologists of New England will be drowned in the popular voice; the fratricidal hate they have engendered will be assuaged, and into the lacerated bosom of this nation will be poured the hallowed and healing spirit of mutual confidence and conciliation. Thus will the nation reform itself! [Tremendous and continued applause.]

Mr. Cox closed by saying, that such confidence and conciliation could never come from the spirit of Puritanism; but thanks to New England—aye, to New England—a better and more Christian spirit had been enshrined in the poetry of Oliver Wendell Holmes, a son of Massachusetts, whose beautiful lyric upon Carolina he had been requested to repeat to the audience by a New York Democrat now in Washington, Frederick S. Cozzens, himself an author known to the whole country. Mr. Cox then recited the following:

"She has gone—she has left us in passion and pride—  
Our stormy-browed sister, so long at our side!  
She has torn her own star from our firmament's glow,  
And turned on her brother the face of a foe!

"O, Caroline, Caroline, child of the sun,  
We can never forget that our hearts have been one;  
Our foreheads both sprinkled in Liberty's name,  
From the fountain of blood with the finger of flame!

"You were always too ready to fire at a touch;  
But we said, 'She is hasty—she does not mean much.'  
We have scowled when you uttered some turbulent threat;  
But Friendship still whispered, 'Forgive and forget.'

"Has our love all died out? Have its altars grown cold?  
Has the curse come at last which the fathers foretold?  
Then Nature must teach us the strength of the chain  
That her petulant children would sever in vain.

"They may fight till the buzzards are gorged with their spoil,  
Till the harvest grows black as it rots in its soil,

Till the wolves and the catamounts troop from their caves,  
And the shark tracks the pirate, the lord of the waves.

"In vain is the strife! When its fury is past,  
Their fortunes must flow in one channel at last;  
As the torrents that rush from the mountains of snow  
Roll mingled in peace through the valley below.

"Our Union is river, lake, ocean, and sky;  
Man breaks not the medal when God cuts the die!  
Though darkened with sulphur, though cloven with steel,  
The blue arch will brighten, the waters will heal.

"O, Caroline, Caroline, child of the sun,  
There are battles with fate that can never be won!  
The star-flowering banner must never be furled,  
For its blossoms of light are the hope of the world!

"Go, then, our rash sister! afar and aloof,  
Run wild in the sunshine away from our roof;  
But when your heart aches and your feet have grown sore,  
Remember the pathway that leads to our door!" [Applause.]

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#### THE CONSCRIPTION BILL.

EXEMPTION OF THE CLERGY—SLANDERS UPON THE DEMOCRACY REPELLED—STATE RIGHTS  
AS DEFINED BY MADISON AND HAMILTON—EFFECT OF THE CONSCRIPTION.

On the 26th of February, 1863, the House having under consideration the bill to call out the national forces, Mr. Cox said: Mr. Speaker, I am obliged to the Chair for the prompt manner in which he has protected my right to the floor, and for the emphasis with which he brought down the gavel for that purpose. [Laughter.] I hope now that I shall not be further interrupted. Mr. Speaker, I was somewhat amused and instructed by what fell from my reverend brother [Mr. FESSENDEN] from Maine, who has just taken his seat. It was proper that he should defend his clerical brethren. But after the high-wrought eulogy which he uttered in their behalf, I was surprised at the lame conclusion at which he arrived. How could he as a patriot argue that so valuable a class of citizens should be excluded from serving their country in the army? If they are as worthy and as patriotic as he believes, will they seek exemption? The very argument, combining with other reasons which I may give, but from which he will doubtless dissent, compel me to oppose the exemption of the clergy from this sweeping conscription. There are some clergymen for whom I have an unbounded reverence and respect—men who preach the gospel of "peace on earth and good will to men." They do not turn the living word into reproach by "vain disputations." They do not create jar on earth and ill will to men. From the first settlement of the region from which the gentleman comes, down to the present time, the largest part of the clergy seem to have been specially commissioned, in their own opinion, to read lectures upon political matters to the people of this country, and to all mankind. They have descended from their spiritual elevation to grope amid the passions and cor-

ruptions of partisan strife. They have thus divided the churches, and degraded the mission left them by their loving Master.

Mr. S. C. FESSENDEN. I challenge the gentleman to produce the proof of that assertion.

Mr. Cox. I refer the gentleman, for the proof, to New England history, from the days of Cotton Mather and the burning of witches, down to the present unhappy time. Why, sir, let the dominant clergy of New England continue to have their way now, as they had it once when Catholics, Episcopalians, Baptists, and Quakers were persecuted, punished, exiled, and murdered for conscience sake, and the gentleman will live to witness, perhaps with transport, Episcopalian and Catholic clergymen garroted and burned in the streets of Boston. [Laughter.]

Mr. S. C. FESSENDEN. Will the gentleman allow me now?

Mr. Cox. I have no objection, if the gentleman wants to ask a question.

Objected to by a member from the Republican side of the House.

Mr. Cox. That objection does not come from this side.

Mr. Speaker, there is a certain class of preachers to whom gentlemen on this side of the House are under no special obligations. They have prayed us frequently into the nethermost abysses. [Laughter.] And why? Because we belonged to that old Democratic party which has been coeval with this Government—which has never, as an organization, been unfaithful to the interests and honor of the whole country, and which has never lost its chivalric respect for the safeguards and immunities of the Union and Constitution. Simply to have affiliations with that party has always been sufficient to bring down the anathemas, by “bell, book, and candle,” of those clergymen who now, through the ministerial member from Maine, seek exemption from the inconvenient consequences of the troubles which they have themselves been mainly instrumental in bringing upon our beloved land. Long before the radical politicians, North and South, began to rend the nation in their hate, these preachers had riven the churches in their crazed and demoniac fury. I ask you, men of the South yet remaining with us, as I ask you Northern Representatives, is any one more responsible for the present unhappy condition of the country than these firebrands of the sanctuary—North and South? Have not the fiercest zealots of secession and abolition been found among those who have kindled on God’s altar the unhallowed embers of sectional asperity? The gentleman from Maine wants proof. Why, sir, it is easy enough to furnish it. Go back to the three thousand clergymen of New England, who, in the name of the Most High, felt themselves accredited to send to the Congress of the United States a special denunciation of Stephen A. Douglas for his championship of the rights of the people of the Territories. Their anti-slavery evangel was met by him with the same defiance which the Democracy displayed in the days of Jefferson, when the New England clergy reviled that apostle of our political faith. The impertinent and improper interference by a portion of the clergy in the politics of the country, is not peculiar to our day, though never before has it been so conspicuous as in fomenting the troubles which have culminated in this calamitous war.

There are two kinds of clergymen in this country. I have before me

a description of one class, with which I have no doubt gentlemen on the other side are more familiar than with those who minister in the church in which I happen to worship. [Laughter.] I will recite the description :

"A minister, whom hell had sent,  
To spread its blast where'er he went,  
And fling, as o'er our earth he trod,  
His shadow betwixt man and God."

Now, sir, all ministers who come within that definition I want to see enrolled in the army and marched to its front. There let them do their duty, and see whether they cannot help to put down this rebellion which they have been so long instigating. Let them suffer some of the consequences that our brothers undergo in the Southwest and along the Rappahannock. I would not have them go merely as clerks, letter-writers, or chaplains. Let them shoulder the twelve-pound musket, do picket duty, and trudge like our brave boys amid winter snows, spring mud, and summer suns, under the packed knapsack, and my word for it, they will come back sanctified by grace. [Laughter.] After the eulogy pronounced upon the clergy by the gentleman from Maine, may we not presume that they would be in a better condition for the sacrifice, than many an unsanctified Democrat? Would they not ascend into the realms of glory with less inconvenience or delay? [Laughter.] Very many of them, from my observation, would not be as much of a loss to the country as my clerical friend over the way would suppose.

But, Mr. Speaker, I would not have addressed the gentleman from Maine in this style, had it not been that he rung into his speech over and over again, what has been rung into the speeches of other gentlemen on that side of the House since this debate began, as well as into newspapers and stump speeches, the usual quantity of malignant talk about "Copperheads," and the disloyal Democracy. A very beautiful mode of argumentation this! It is calculated to produce a very pleasing impression on this side of the House! The debate on this measure from its opening has been characterized by this tender affability of manner! One would have supposed it would have been wise to have made the effort to conciliate this side of the House in favor of this measure; but you sought to conciliate nobody. War Democrats—Peace Democrats—to use your inapposite language, are all alike. My eloquent friend from New York [Mr. STEELE], who has spoken so well for the Governor of his State, and the rights of his State, and who expressed his willingness to sustain, through the States, your calls for aid—he is no exception. You sought not to conciliate my friend from Indiana [Mr. HOLMAN], who has been laboring for the last two hours at my side to make this bill, if possible, less objectionable by a substitute. He, too, has the fang and poison of the Copperhead. You sought not to conciliate any class of opinion, however loyal and conscientious. You were unwilling, when this bill came in first, to allow it to be scrutinized. You sought to force it through without amendments, without discussion; and but for the determined nerve of this side of the Chamber, you would have accomplished your purpose and passed the bill with all of its infernal machinery of oppression. Gentlemen, you did not know us. We were determined in the first



place to have discussion; and in the second place to get the bill back into a position where it could be amended, and as many of its obnoxious features removed as it was possible to remove in this Congress. What we resolved to do, that we have accomplished. Before I come to the discussion of the bill itself, I owe it to the people of my district to repel the charges made by you upon their representative.

The three Republicans who have last spoken [Messrs. DUNN, STEVENS, and FESSENDEN] have charged that we are disloyal to the country; to the country which we love as well, I will not say better than you; to that country which we love only less than we would love our Heavenly Father. From the beginning of the debate we have heard nothing but contemptuous scorn and contumely hurled against this side of the House. Do you believe that members of this House, though in a minority, who are your equals here, will silently permit such language to go unlashd? If we were dishonored at home, do you think we are craven enough to receive such epithets without giving scorn for scorn? But being in fact the majority, having received the approbation of our constituents at home, do you imagine that we will sit here in timid crouching, and receive your contumely without making some fit reply? Do you expect that we will, under the forms of courtesy, mouth honeyed words for your abuse? Do you imagine we cannot tell denunciation from debate? You forget that we come fresh from the people, covered all over with their generous approbation. My eloquent friend from Indiana [Mr. VOORHEES] told you last night that you were but corpses stalking against public decency, for a short time only, before the public gaze. [Laughter.] A nice party, indeed, this company of corpses, to talk to us, the Representatives of the people! [Laughter.] The gentleman from Indiana [Mr. DUNN], conscious of his defunct condition, talked to us, as he confessed, from the confines of his sepulchre,

“Hark, from the tombs a doleful sound;  
Mine ears attend the cry.” [Great laughter.]

If you gentlemen who play the political phantom wish to carry out the proper definition of a ghost, cease to squeak and gibber your abolitionism and go back into your cerements, for daylight, thank God! has begun to dawn. [Laughter.] Do you suppose that we, who are fresh from the people, have any reason to distract our minds at what you utter against us? Do you suppose, for instance, that we who represent Ohio, where we had nineteen members of Congress to elect, and under an infamous gerrymander which allowed us only two democrats, and who will come back to the next Congress fourteen to your five, are to be lectured by you for disloyalty? Do you take us to be as contemptible as yourselves? You ghosts of the dead past mistake the temper of our constituents as you have mistaken us. We know our rights under the Constitution. We have a sound record, to which we can forever point; for we have stood by the country when you failed it. We have, under the ineradicable love of law and order, stood by your own Administration when you have stigmatized and denounced it. We did our best in the Congress before this, to settle these troubles, when adjustment was easy. We labored with anxious care, that peace might continue in the land. The people believe that you were

recreant then ; that you are responsible for the failure to settle these difficulties by compromise. You know that the people so believe, for that was a part of their decision at the recent elections. If you still entertain any doubt about your recreancy and responsibility, read this letter, recently produced in the Illinois Legislature by Hon. Mr. Hays, from Judge Douglas, dated the 29th of December, 1860. In it he says :

*"The South would take my proposition if the Republicans would agree to it. But the extremes North and South hold off, and are precipitating the country into revolution and civil war.*

*"While I can do no act which recognizes or countenances the doctrine of secession, my policy is peace, and I will not consider the question of war until every effort has been made for peace, and all hope shall have vanished. When that time comes, if unfortunately it shall come, I will then do what it becomes an American Senator to do on the then state of facts. Many of the Republican leaders desire a dissolution of the Union, and urge war as a means of accomplishing disunion ; while others are union men in good faith. We have now reached the point where a compromise, on the basis of mutual concession, or disunion and war are inevitable. I prefer a fair and just compromise."*

If you still doubt, read again another letter from the same honest and noble man, with which the country is familiar, in which he attributed the defeat of all amicable adjustments to the partisan desire of the Republican Senators to confirm certain appointments by the (then) incoming Administration. The Republican Senators wished to have a majority in the Senate for this purpose. But for this petty political object, Judge Douglas thought that they would have passed some compromise. They wanted the seceded States to go out—they wanted the Southern Senators to leave the Senate. Because, without their absence, the Senate would never have approved of such abolition appointments as Cassius M. Clay as Minister to Petersburg ; which I believe he yet holds in connection with Simon Cameron, and a major-generalship in the army [laughter], and which offices he is filling to the President's contentment, by philandering around Willard's Hotel in these several capacities [laughter], if indeed he has any capacity. [Laughter.] The Republican Senators knew that the President might send in the nomination of such a man as Carl Schurz as Minister to Spain, a German abolition infidel, who brought to this country the belief that license was liberty, and that Almighty God was a figment of the brain—some strange abstract entity, with the concrete attribute of drinking lager beer in the regions above the sun. [Great laughter.] They wanted to confirm another class of abolitionists like the inveterate abolitionist who used to represent the Ashtabula district of Ohio in this House ; I mean the Hon. Joshua R. Giddings, now Consul-General to the Canadas. They wanted to confirm Helper, the author of the Helper book endorsed by the Republican members of Congress, and which urged robbery, murder, and insurrection, in order, by violence, to rid the country of slavery. I might enlarge the catalogue of abolitionists until the House were surfeited. Hence it was that Judge Douglas declared that the Republicans were responsible for not making an amicable adjustment of our troubles. In his opinion, they were willing to welcome civil war, and all its attendant horrors, from the mere greed for office, and to reward the anarchs and destructionists of the land. Hence it is that, before God and the country, I hold you, on the testimony of Douglas, responsible for the failure to settle these difficulties.

But after all had failed through Republican partisanship and greed for office, we came to the extra session of Congress. You will remember that, with Douglas, we doubted if ever war could reclaim the Southern States. We plead—you know how even so humble a member as myself plead—against the arbitrament of the sword for the settlement of these feuds of the sections. But we plead in vain. Douglas told you war was disunion. But war came! It is unnecessary for me to say who struck the first blow. It is idle now to argue who *provoked* the blow that was first struck. You know it all. We came to the extra session of 1861. We were still, as ever, loyal, law-abiding. We were willing to do our all for the Government. Sadly we acted as the coadjutors of FORCE. But the great drama of blood having been begun, not by our aid or consent, we acted on the side of the Government—loyally, firmly, sadly. We could not do otherwise, so help us God.

The record of that session will show how we supported the Administration, which we had not contributed to place in power. I remember well when, on the 15th of July, 1861, General McClelland, of Illinois, offered the following resolution (*House Journal, 1st session, 37th Congress, p. 87*):

“Whereas, a portion of the people of the United States, in violation of their constitutional obligations, have taken up arms against the National Government, and are now striving, by aggressive and iniquitous war, to overthrow it and break up the union of these States: therefore,

“Resolved, That this House hereby pledges itself to vote for any amount of money and any number of men which may be necessary to insure the speedy and effectual suppression of said rebellion, and the permanent restoration of the Federal authority everywhere within the limits and jurisdiction of the United States.”

I find nearly every member of this House, upon this side, voting for that resolution. There were but five votes against it; and of those, three are now absent and openly disloyal to the Government. Did you want any thing more—any thing better than that? You sought harmony among all parties at that time. All the men and all the money that was wanted was granted by our votes. Your President asked for four hundred thousand men, and we gave him five hundred thousand; he asked for four hundred millions of dollars, and we gave him five hundred millions. Whenever he came here asking men and money, we gave them to him. Could we do more? Were we disloyal men for that? What followed? Shortly afterwards the venerable member from Kentucky [Mr. CRITTENDEN] offered his resolution as to the purposes of the war. All of us joined in its adoption. We gave it our adhesion, as the direction which we were to follow in the pursuit of this war against this rebellion. What more could we do and be faithful? Could we have done less? We were only pursuing what we had declared before in our speeches here. I remember a scene which was recalled to my mind by some remarks from the gentleman from Indiana [Mr. DUNN]. I was a member of this Congress when State after State sent here their ordinances of secession. I recall the first motion that was made by a member from Florida [Mr. HAWKINS], who sat in that seat occupied by my friend from Maryland [Mr. CRESFIELD], to be excused from service upon a committee raised to compromise these troubles. He gave us as a reason that his State was already resolved to secede. I

then said that I would not vote to excuse him, when he gave such a seditious reason. And when afterwards secession speeches were made, I had the honor, as the first member of this House, to struggle for the floor with my friend, General McClelland, to denounce the doctrine of secession as alien to the Constitution, bad in theory, and worse in practice. I picture now the scene which took place here, after General McClelland and myself had concluded our speeches, and when the present Postmaster-General of the Confederate States [Mr. REAGAN] denounced us as the tail of the abolition kite. Great God! that I should ever have lived to have had such a reproach even from a rebel. [Laughter.]

We who have been striving to keep this war in its proper direction, so as thereby to make it short and successful; we who have stood here from the first to sustain this Government and this Administration which we did not contribute to place in power, do not deserve the contemptuous reproaches cast upon us by ingrates upon the other side. Copperheads are we? Copperheads! I would not follow this pitiable example of discourtesy by speaking of other sorts of heads. [Laughter.] I would not hurl such epithets across this chamber. It would be unparliamentary, and I forego the luxury of being out of order here. I know the gentlemen are dead heads, and that is the reason why—on the principle of "*nisi bonum, nil mortuis*"—I speak of them with respect. [Laughter.] It has been laid down by the best ethical writers upon free government, that it is perfectly right and proper to encourage criticism upon the administration of public affairs. We were taught that in the best English literature. John Milton dedicated his grandest work, the "*Areopagitica*," to the defence of free speech and unlicensed printing. Even in the Corps Legislatif of France now, the fullest debate is allowed to the opponents of the reigning dynasty and its measures, even of war. The noblest use of free speech in this or any free country is to criticize closely the political conduct of our agents. Hence in England it became a part of the Constitution to have what is called a "constitutional opposition." There is always a party out of power to watch the party in power. Why? Because, as was remarked the other day, power tends to slide from the many to the few. It tends to aggrandize itself. It grows by what it feeds on. A healthy state of the body politic requires a party at all times, standing upon the fundamental law as the basis of its existence, and fearlessly vigilant against the encroachments of power. This is the present mission of the Democracy. We assume now no further responsibility. We have never failed to appeal to the Constitution as the guide of our conduct. We who have opposed this and similar bills, have done so because we thought them infringements upon the Constitution. It is for this that gentlemen on the other side hurl at us epithets of "secession sympathizers," "disloyal men." I am yet to learn that any member upon this side has yet gone outside of the proper constitutional opposition to this Administration. You cannot point to a single act, or to a single vote, or to a single speech uttered by us, looking to any opposition to this Government. Our opposition is to the continued and persistent breaches of our Constitution. Every vote upon this side, and every speech, has been in favor of some mode, one mode by one, and another mode by another, of sustaining this Government to the end. No proposition for a separation of the Union

has ever come from this side of the chamber. None, none. The only proposition of that sort, as was remarked the other day by my friend from Indiana [Mr. HOLMAN], emanated from a gentleman who has always acted with the other side [Mr. CONWAY]. He tried the other day to explain his position. I have since read his resolution in order to get the benefit of his explanation. But as I read his resolution, it says, as reported in his printed speech, "that the Executive be, and he is hereby requested to issue a general order to all commanders of forces in the several military departments of the United States to discontinue offensive operations against the enemy, and to act for the future entirely on the defensive." And further:

"Resolved, That the Executive be, and he is further requested to enter into negotiations with the authorities of the Confederate States, with reference to a cessation of hostilities, based on the following proposition: Recognition of the independence of the Confederate States."

What does that mean? It was not offered by a Democrat. No Copperhead offered it. What does it mean? Gentlemen upon this side of the chamber denounced that resolution. No man upon that side has yet risen to denounce it.

Mr. BLAKE. I want to say to the gentleman, that every gentleman upon this side of the House denounced it by his vote.

Mr. COX. I know they voted against it. I wish they would confine their denunciations of the Democracy to their silent votes.

Mr. BLAKE. That we are doing.

Mr. COX. I do not mean to include my colleague among those who have so offensively denounced Democrats. But all who have spoken have denounced us, although they know that we have again and again asserted that we are for the Union at all hazards, and by every means which will in our judgment secure its integrity. We were for this Union by war when war seemed a necessity. We are for this Union by peace whenever peace is honorable and possible. We are opposed to any war like that for the abolition of slavery, that will make disunion possible. We are opposed to any peace that will mutilate the Republic. That is the "Copperhead" policy, and I ask my friend from Maine to pray over it to-night, and see if he cannot think better of us. [Laughter.] Mark the Democratic policy: No peace with the idea of dismemberment; no war that is fatal to the Union; every thing for the Union under the Constitution; we will never break that instrument to bring back the Union; for when the Constitution is broken, there is no Union, but a unity of territory, a despotism of power.

Mr. Speaker, I desire now to discuss some of the features of the bill before us. I will be very brief; for they have been thoroughly dissected by members upon this side of the House. I want to refer to only one or two propositions in that connection. I proposed, two days since, to amend the bill by inserting the word "white" in the first section. At that time the gentleman from New York [Mr. OLIN] advised us that no amendments would be permitted at all, and no discussion either. One good thing we have gained by this discussion at least, and that is, that if this bill is to pass at all, it will pass in a less obnoxious shape. The

leader of this House, the gentleman from Pennsylvania, Mr. STEVENS, in the speech he made a while ago, proposed radical amendments.

The SPEAKER *pro tem.* The gentleman will suspend his remarks while the Clerk reads a clause from the Manual.

The CLERK read as follows :

"No person in speaking is to mention a member then present by his name, but to describe him by his seat in the House, or who spoke last, or on the other side of the question."

Mr. VALLANDIGHAM. It is always in order to name a member after having described him.

Mr. COX. No, I do not think it is perfectly in order. I differ with my colleague. It has become a bad habit here, and I have only followed the precedent set me by distinguished members.

The SPEAKER *pro tem.* The gentleman will proceed in order.

Mr. COX. I am very glad the Speaker made that point on me, for I shall take it more goodnaturedly than some others might have done.

The SPEAKER *pro tem.* [Mr. DAWES]. That is the reason why the point was made on the gentleman.

Mr. COX. I mean, then, the gentleman from Pennsylvania, who is Chairman of the Committee of Ways and Means; the gentleman who has such a chronic dislike to Democrats that he always lectures them at the end of his speeches [laughter]; the gentleman who said he was sick of hearing this talk about the Constitution, who did not want the old Union restored. The Speaker will now recognize whom I mean. [Laughter.] If I am not explicit enough, I will describe him as the gentleman who stated a great many apocryphal things, and among them, that all the Democrats stayed at home to vote while the Republicans are the belligerent part of the people; the gentleman who undertook, in his speech to-night, to destroy the well-earned fame of a general born in his own State—General McClellan—an undertaking that all Pennsylvania, with all her iron, and all her tariffs, and all her Camerons, and all her robberies, can never accomplish. [Laughter.] Perhaps I am not yet explicit enough. The Chair will know whom I mean when I refer to a speech made by a distinguished member from Massachusetts, now in the Chair, about composing political difficulties by the gentle amenities of horse contracts. Now, this gentleman whom I have just described, offered to amend this bill in several important particulars, and, among the rest, he proposed to strike out the words "authorizing provost marshals summarily to arrest for treasonable practices." Humph! We have come to that! You are getting along pretty well for dead men. [Laughter.] Go on a day or two longer with this discussion, and you will drop the bill altogether; for when you shall have blotted that out of the bill, you will take the meanest sting out of it. If there be one thing that the people I represent fear and despise most, it is, that these miserable inquisitors, created by this bill, these sneaking spies, these pliant servitors of power, called provost marshals, spooned off the scum of the Abolition party of the North, should have power to pry in and around the homes of quiet and loyal citizens to play the informer upon Democrats and Conservatives, drag them to the Bastiles of the Administration, not because they are disloyal, but because they happen to differ in opinion with their fellow-citizens about this war and its con-

duct, and this Administration and its conduct. I congratulate you that you have saved many provost marshals from the rope. The chairman of the Military Committee, when we started this debate, said he would not allow any amendments, not even to effect this object. But you are not entitled to any credit for making this amendment. You have been forced by the cogent eloquence of the debate upon this side of the chamber, to withdraw your "treasonable practices" from the bill. So much for debate. We have made a little by it at least; and now I hope that some one upon the other side, like the gentleman from Pennsylvania, will progress a little further, and agree first to insert the word "white" in the first section of the bill, so that, instead of reading "all able-bodied male citizens of the United States," it shall read, "all able-bodied white male citizens of the United States." It is only a verbal amendment. [Laughter.] Suppose you consider it over night. We may all get together, after a little more debate, and agree to kill the bill entirely.

There is another objection to this bill, which has been urged here, and which was most eloquently urged by my colleague [Mr. WHITE]. It is this: This bill breaks down not only the rights of the States, but the executive, legislative, and judicial departments of the States. It infringes the letter and spirit of the Constitution. It seeks to take from the States certain rights over their own militia—a right never to be yielded by a free people without dishonor and danger. How is that objection met by gentlemen on that side? Not as it was met in the other branch of Congress; for there it was not pretended that this bill was not intended to call out the militia. Here, it is a bill for enrolling and calling out the *national forces*, and for other purposes, as if you could, by a dash of the pen, change the nature and purpose of this measure. When this bill was first reported in the Senate, all admitted that it was a bill to call out the militia; and its language, but not its scope or effect, is changed only for the purpose of avoiding the attacks that would be made upon it on account of its breaking down the rights of the States over the militia. Now there is an army of the United States, just as well known as the militia of the States. The former is subject to the command of the Chief Magistrate, and completely controlled by the rules and regulations made here; the latter is not subject to the Federal Government, until called into the service of the United States, in pursuance of the Federal Constitution and laws. But gentlemen say that this is a bill for creating or increasing the regular army, and that there is no limit to our power over that subject. Well, if this be true, and this bill is executed, there will be no militia left in the States after this regular army is constituted. You sweep out of being the whole militia of the States into the Federal control. You leave the States unprotected, so far as the militia protects them. This bill is, to all intents and purposes, a bill to call forth the militia of the States; but it does not make the call according to the Constitution and the law. The militia is to be called out, under this bill, directly by the President or his subordinate federal agents acting upon the individual citizens. It never was the custom of the Government so to call them. They should be called through the intervention of the States, and in that way alone. I need not refer gentlemen to the articles of the Constitution on this subject. They are familiar. I will read, however, the second section of the second article:

"The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States when called into the actual service of the United States."

Not while they are being enrolled, but "when called into the actual service of the United States," is the President the Commander of the militia of the States. In my judgment, then, the Federal Government has no authority over the militia until it is called into the service of the United States. By another section, the Constitution of the United States authorizes Congress

"To provide for calling forth the militia to execute the laws of the Union, suppress insurrection, and repel invasions.

"To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States."

You may provide for their organization. You may provide for their enrolment, which is a part of the organization. You may provide for arming them. You may provide the mode and manner in which they shall be disciplined. But you cannot do that by your Federal Executive. That is to be done by the States themselves. They are authorized to do it, and the Federal Government is excluded from that office. That is the opinion of the best commentator on the Constitution, Judge Story. I refer to vol. iii. sec. 1208 :

"The question, when the authority of Congress over the militia becomes exclusive, must essentially depend upon the fact when they are to be deemed in the actual service of the United States. There is a clear distinction between calling forth the militia and their being in actual service. They are not contemporaneous acts, nor necessarily identical in their constitutional bearings. The President is not Commander-in-Chief of the militia except when in actual service, and not when they are merely ordered into service. They are subjected to martial law only when in actual service, and not merely when called forth, before they have obeyed the call."

One of the sections of this bill proposes to subject the men who may be drafted to martial law, to deprive them of the legal right of being tried for criminal offences by a jury of their peers, before they are mustered into the service of the United States. Such a power is not conferred by the Constitution. It will be resisted as a usurpation. In this connection I refer to Elliott's Debates, pages 287, 288, and 294, to show that Judge Story is justified in his construction, by the language of those who were contemporaneous with the formation of the Constitution.

It is unnecessary for me, Mr. Speaker, to comment on that commentary. Judge Story lays down the constitutional interpretation explicitly. If you intend to take these men as the militia of the country—and you mean nothing else—you cannot do it except by the intervention of the States themselves. There is another clause of the Constitution (article 2d of the amendments) which reserves to the States, for a vital purpose, the control of their own militia :

"A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed."

Let this Federal Government beware how it seeks a conflict about the clearly reserved rights of the States. The practice of arbitrary arrests, the past year and a half, is not calculated to make future arrests of citizens either pleasant or safe for the minions of Federal power.



Now, if the Constitution means any thing, it means that in no emergency shall the States of this Union lose the power to control their own militia, for their own State purposes, except when it is merged in the actual service of the United States. By this bill you leave no power in the States to officer or direct their militia. The troops of Ohio may be mingled miscellaneously with those from Maine. There is a wise reason why the militia should be considered and kept as an institution of the States. You will find that reason in the very genius and structure of the federal system. We cannot, in these times, too often recur to the early expounders of the Constitution. I hold to the Jeffersonian and Madisonian construction of that instrument, with respect to the rights of States. Nowhere do I find the tenets of this school so correctly yet so familiarly expounded as in the Private Correspondence of Mr. Madison, published for private distribution by my friend J. C. McGuire, of this city, and to whom I am indebted for the volume before me. Mr. Madison (page 119) defines the relations implied by the terms Union, Federal, National, and State, in a letter written in September, 1829, wherein he says:

"That the Constitution of the United States was created by the people composing the respective States, who alone had the right; that they organized the Government into legislative, executive, and judiciary departments, delegating thereto certain portions of power, to be exercised over the whole, and reserving the other portions to themselves respectively. As these distinct portions of power were to be exercised by the General Government and by the State Governments, by each within limited spheres; and as, of course, controversies concerning the boundaries of their power would happen, it was provided that they should be decided by the Supreme Court of the United States, so constituted as to be as impartial as it could be made by the mode of appointment and responsibility for the judges. Is there, then, no remedy for usurpations in which the Supreme Court of the United States concur? Yes, constitutional remedies; remonstrances and instructions; recurring elections and impeachments; amendment of Constitution, as provided by itself, and exemplified in the 11th article limiting the suability of the States. These are resources of the States against the General Government, resulting from the relations of the States to that Government, while no corresponding control exists in the general over the individual governments, all of whose functionaries are independent of the United States in their appointment and responsibility. In all the views that may be taken of questions between the State Governments and the General Government, the awful consequences of a final rupture and dissolution of the Union should never for a moment be lost sight of. Such a prospect must be deprecated, must be shuddered at by every friend to his country, to liberty, to the happiness of man. For, in the event of a dissolution of the Union, an impossibility of ever renewing it is brought home to every mind by the difficulties encountered in establishing it. The propensity of all communities to divide, when not pressed into a unity by external danger, is a truth well understood. There is no instance of a people, inhabiting even a small island, if remote from foreign danger, and sometimes in spite of that pressure, who are not divided into alien, rival, hostile tribes. The happy union of these States is a wonder; their Constitution a miracle; their example the hope of Liberty throughout the world. Woe to the ambition that would meditate the destruction of either."

I trust and pray that this House will not, by passing this bill, hazard the fearful consequences of a further disruption of the Federal ties, by intrenching upon the rights of the States; that at least they will seek first, as Mr. Madison suggests, the judiciary, as the arbiter of these mooted questions of power, before embarking this troubled people upon new seas of blood, amidst other and worse storms of conflicting passion.

Not alone to Jefferson and Madison, or the Supreme Court, will I go for the rule of construction as to the Constitution. Even that great apo-

the of consolidation, Hamilton, in order to secure the adoption of the Constitution by his own State of New York, presented this exposition of our Government :

" If the State Governments were to be abolished, the question would wear a different face ; but this idea is inadmissible. They are absolutely necessary to the system. Their existence must form a leading principle in the most perfect constitution we could form. I insist that it can never be the interest or desire of the national legislature (much less the President) to destroy the State Governments. It can derive no advantage from such a result ; but, on the contrary, would lose an indispensable support, a necessary aid, in executing the laws and conveying the influences of government to the doors of the people. The Union is dependent on the will of the State Governments for its Chief Magistrate and its Senate. The blow aimed at the members must give a fatal wound to the head, and the destruction of the States must be at once political suicide. Can the National Government be guilty of this madness ? \* \* And again I have stated to the committee abundant reasons to prove the entire safety of the State Governments and of the people. I wish the committee to remember that the Constitution, under examination, is framed upon truly republican principles, and that, as it is expressly designed to provide for the common protection and general welfare of the United States, it must be utterly repugnant to this Constitution to subvert the State Governments or oppress the people."

This doctrine of State rights, Mr. Speaker, does not carry us into secession, for, according to the doctrine laid down by Jefferson, Madison, and others, there is a line drawn, beyond which State rights cannot go, but within which there is perfect immunity to the exercise of powers by the States in their separate and sovereign capacity. If the State is aggrieved, it can neither nullify nor secede. Mr. Jefferson, in his letter to Cartright, referred to in the "Private Correspondence," denied the right of any number of single States to arrest the execution of a law of Congress, or secede from the Federal system. A Convention of the States, under the Constitution, he hailed "as the peaceable remedy for all the conflicting claims of power in our compound Government." In the future complications to which this and similar bills will give rise, I can see no other than the Madisonian remedy for our safety and regeneration—A CONVENTION OF THE STATES UNDER THE CONSTITUTION.

I believe that this bill not only subverts the State Governments, but that it will suppress the people. It breaks down the barrier which the people erected against consolidated power ; for never in the history of this or any other Government has such a stupendous power been reposed in one man, as the power reposed by this bill in the President of the United States. It makes this Government, so guarded in its delegation of power, so full of reservations to the source of all power, the people, an irresponsible despotism, worse than that of France, and more tyrannical than that of Russia. You have already given to this Administration the purse ; you now throw the sword into the scale, and nothing is left to the people but abject submission or resistance. It becomes Congress to see to it before it intrusts such a power to any one man : first, whether it is constitutional ; and, if constitutional, whether it is expedient to intrust it to the present Chief Magistrate of the country. For my part, sir, I do not trust the present Chief Magistrate. I have my reasons for it. These reasons spring out of his conduct with regard to the slavery question. Again and again, beginning with his inaugural message, down to the last conference which he had with the border State members of Congress, who now sit around me, he asseverated that he would not interfere in any way with the

constitutional rights of the States with regard to negro slavery. He said that he had no right and no inclination thus to interfere; and he kept his word for a brief time. But abolition pressure was brought to bear upon him. Abolitionists improved every opportunity to poison his mind, and to salute his ear with their flatteries. They made him believe that he was the saviour of the black race. In the very face of his own declarations to the contrary, and after he had promised solemnly to the border State Congressmen, in a public conference with them, that he would do nothing to injure either the sensibilities or the interests of their States with regard to slavery, he issued that proclamation which has been so fatal to the army, fatal to "a united North," fatal to the Government, and will be, I fear, fatal to this Union, unless gentlemen on the other side come up boldly and manfully and demand of him to repudiate it forever. Let them prepare him for the retraction by the repeal of their confiscation measures as useless, impotent, and unconstitutional. Let the President then follow them and withdraw his proclamation. Let us start anew. Go back to the Crittenden resolutions, or if you cannot, by war, restore the Federal authority, try some other mode. Withdraw the negro entirely from your counsels and conduct, and make one grand effort to preserve this Government of white men. Will you do it? If you would resolve thus to act, you would need no conscription to increase and inspirit your army. You would then invigorate the public heart. You would restore again the public confidence. There is your path. Will you follow it? I believe that you will get no men under this bill. You will get no men through your despicable and irresponsible provost marshals. This bill will only make trouble. I fear more than I dare say. I fear you do not expect to get men under this bill. If the bill means any thing in reason, it is a bill to enslave the people of the North, and not a bill to put down the rebellion. It gives you the power to annihilate the ballot box, destroy personal liberty, and scatter your spies and informers all over the country as thick as the locusts of Egypt. I protest against it as a needless torture to the citizen, and as a cruel insult to the patriotism of a proud and free people. I wish I could see in this bill any thing good. It will simply irritate the people of the North. It will not bring about that harmony among them which is indispensable to the success of an army against this rebellion.

You have tried many expedients against our warning, and failed. At first you had the whole North, twenty millions of people, forgetting their divisions and sustaining the Government on the plain question for the restoration of the Constitution. You had victories on that policy. Your organs, like the "Tribune," boasted, after the fall of Sumter, that

"All party prejudices and passions were forgotten, and the new Administration, strengthened by an assurance of popular confidence, stood before the world the unquestioned representative of the whole loyal people of the Union."

Who and what has changed all that? Your President and his abolition advisers and policy. The proclamation sounded; and lo! the rebellion was to fall. "The war would not last till Christmas," said the zealots of the hour. "By a single blow the President has palsied the rebellion," they said again. Fatal delusions! But will you learn

nothing? This bill will prove more impotent against the South and more mischievous in the North than your proclamations and confiscations.

A good deal has been said about the Democratic party not being loyal. Why, sir, we went from this Hall at the close of the last session of Congress and found the President's call for volunteers among the people. We went before our constituents and asked for soldiers to fill the new regiments called for by the Governors in pursuance of that call. My colleague over the way [Mr. HARRISON] will bear me witness with what zeal we endeavored to fill our quotas in order to save our respective counties from a draft. In my own county, at the capital of the State, we succeeded in raising the requisite number, and there was no draft. My colleagues [Mr. WHITE, Mr. MORRIS, Mr. NOBLE, and others] found it not hard by their appeals to fill the call in their localities. This, however, was before the proclamation. When that masterpiece of folly and treachery was issued, further enlistments became almost impossible. We could then make no more speeches for recruits. Why? We had told the people that this was a war for the Union and for the Constitution. When it was thus perverted by base treachery and falsehood from this, its proper purpose, we took our appeal directly to the people, and denounced the treachery and unveiled the falsehood of this Administration. The people understood and indorsed us. I might refer you to resolutions passed by the Democratic Convention of Ohio, wherein we said to the people that the Democracy were willing to join hand in hand with any citizen of the State to strengthen and invigorate the Government and suppress the rebellion. They deprecated the divisions and distractions which the abolitionists were forcing upon the country as hostile to its best interests.

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#### NEGRO SOLDIERS.

NEGROES IN THE REVOLUTIONARY WAR—OBJECT OF THE BILL—EFFECT ON EXCHANGE OF PRISONERS—DEMOCRATIC SUPPORT TO THE WAR.

*Delivered on January 30, 1863.*

Mr. Cox said: I want to call the attention of the House, and especially of the present occupant of the chair [Mr. McPHERSON], to the remarks made by him in reference to the employment of negroes in the Revolutionary war. I regret, sir, that you have been elevated to the chair at this inopportune time; but I have no doubt that you can retire with grace, to repel any thing that I might say that is either untrue in history, or that involves a false inference. If I understand you, sir, you argue that there was a settled policy in revolutionary times for the reception of negroes into our service. That is not correct. A careful reading of history will show it. [Mr. McPHERSON here left the chair, calling Mr. SHEPHERD thereto.] I am perfectly willing, Mr. Speaker, to agree with the gentleman, that negroes were here and there used in the Revolution. There were a number of instances where some were employed—not

in regiments or brigades, as it is claimed here; but many blacks, and perhaps several companies, were used in various States during the Revolution. The most conspicuous instance was that of Rhode Island. She called over three hundred at one time, when there was an overpowering necessity for every man in that little colony to be raised; but, sir, these were sporadic cases, here and there a negro; here and there, and but rarely, a company. There was no system of colonial policy by which black men were organized. There were some black men in the army in despite of law and orders against it; some who were enlisted when there was no law on the subject; and in a few cases, there were black men enlisted under the law of certain of the colonies; but I believe all this was done under the protest of the Continental Congress.

Mr. McPHERSON. I do not wish to interrupt the gentleman; but I shall be very glad to have a few minutes, after he has finished his speech, to give my version of the facts of the case.

Mr. COX. The only authentic return, which research can discover, of negroes employed in the Revolution, is one made on the 24th of August, 1778, on the call of the Continental Congress, and the whole number of negroes present in the army then, of all conditions and grades of service, was seven hundred and fifty-five, of which five hundred and eighty-six were reported as present. I know not how they were used particularly; but doubtless they were used as servants, or bootblacks, or teamsters, or private soldiers. If the gentleman has any thing more authentic, I would like to see it. But, as I see my friend from Massachusetts [Mr. DAWES] listening with some interest, I will call attention to the revolutionary policy of Massachusetts. The Governor of that State has gone home with a *carte blanche* in his pocket to raise negro soldiers—if I may use that white term with reference to this black business.

Mr. ALDRICH (in his seat). *Carte black.*

Mr. COX. Yes, very black. I know it is the supposition among persons who do not understand the meaning of this matter, that the object of Governor Andrew is to raise all the negroes he can, and ship them out of his State. I know that he refused to have other negroes come into his State from the South. Now, sir, Massachusetts has a very peculiar record in reference to this matter in the Revolution. As early as 1774 this subject was so talked about as to be brought to the notice of the Continental Congress. It was talked about by some of the humanitarians of that day. They wanted to use the negroes, not so much for the purpose of defending colonial independence as for the purpose of fighting for negro liberty. There were men then not unlike the gentleman from Illinois [Mr. LOVEJOY]. Yesterday, when trying to disguise the fact that he was for waging this war for negro liberty, before he got through the paragraph he confessed the whole truth by saying:

“‘But,’ say gentlemen, ‘you want to do away with slavery.’ ‘Certainly.’ ‘Why?’ ‘Because in suppressing the rebellion and preserving the Union, it is necessary as a means, and not as an end; although God knows the means are just such means as I desire to be used. We gain a double object.’ ‘That I never deny.’”

“A double object,” is it? I think, sir, that the dominant portion of the party on the other side have had a double object from the beginning. A double object in this matter means duplicity. At the extra session of

this Congress, on the 22d of July, 1861, they voted for one particular line of policy upon which this war was to be conducted. They then seemed to have a single object; but since that time they have perverted, or, if you please, doubled that object. This bill is of a piece with their whole policy. I believe, Mr. Speaker, what I think is now the general sentiment of the people, that that policy has a hidden object; and this bill, as a part of it, is intended to make this Union utterly impossible.

This is our justification for the extraordinary proceedings the other night, when we were determined to use all the means which the laws of this House gave, to prevent the passage of a law like this, which is aimed at the national life. The gentlemen from the border States here, gentlemen from Kentucky and Ohio—for there are two sides to the border—understand very well the hidden meaning and certain effect of this bill. Every man along the border will tell you that the Union is placed in new peril if you pursue this policy of taking the slaves from their masters to arm them in this civil strife. It will only keep alive and aggravate the alienation of sections, which had its beginning in hate, and will have its end in vengeance. I stated as my reason for the part I took in the proceedings of our eighteen hours' session, that this bill was a part of the plot to drive the border slave States out of the Union, or to place them in such hostility to the Government as to hurl our armies at their throats and strangle their political life. I have been confirmed in my belief by the statements of the eloquent members from Kentucky, as well as by the course of discussion on the other side.

There is no analogy, as I was proceeding to show, between the use of negro soldiers in the Revolution and their use at the present time. Why? Because in the Revolution negroes were used—when used at all, and that very rarely—on the side of their loyal masters, and with their full consent. They stood by their side to defend colonial independence, not to strike for their own freedom. They were not then sought to be reduced to fiends, to bring about San Domingo insurrections. They were used to defend our own policy, our own Government. No social system was then sought to be upturned. No labor system was then to be destroyed. When such objects were hinted, prompt protest was entered against them. This matter was brought before the Continental Congress in October, 1774, in a formal suggestion of “the propriety that, while we are attempting to free ourselves from our present embarrassments and preserve ourselves from slavery, we also ought to take into consideration the state of circumstances of the negro slaves in this Province.” A motion was made in the Congress for a committee to take the subject into consideration. This produced some debate. When the question was put, “Whether the matter should now subside?” it passed. The matter subsided. In May, 1775, there was a committee of safety, upon which were Hancock, Warren, and others, who considered this matter, and with the purest patriotism embodied their judgment in the following resolution:

“That it is the opinion of the committee, as the contest now between Great Britain and the Colonies respects the liberties and privileges of the latter, which the Colonies are determined to maintain, that the admission of any persons as soldiers into the army, only such as are freemen, is inconsistent with the principles to be supported, and would reflect dishonor on this Colony; and that no slaves be admitted into the army on any consideration whatever.”

Has Massachusetts progressed or degenerated since that significant resolve? This resolution was communicated to the Provincial Congress on the 6th of June, 1775. It was read and tabled, because the Provincial Congress would not even consider the proposition for organizing and arming a servile race in the war of Independence.

But the gentleman from Pennsylvania [Mr. McPHERSON] quotes the great name of Washington to sustain this bill of abomination. Let us consult the truth of history. Washington took command of the army on the 3d of January, 1775; and in regular instructions to the recruiting officers in Massachusetts, issued from his headquarters at Cambridge, on the 10th of July, he prohibited the enrolment of any "negro" in the army. The same action was taken in subsequent periods of the Revolutionary history. At a council of war, held at Washington's headquarters on the 8th of October, 1775, where Washington was present, with Generals Lee, Putnam, Heath, Gates, Greene, and others, the question was proposed, "whether it was advisable to enlist any negroes in the new army; and if so, whether there should be any distinction between such as are slaves and those who are free." It was agreed unanimously to reject all slaves, and, by a great majority, to reject negroes altogether. Will the gentleman from Pennsylvania bring any authority to show that Washington ever reconsidered that determination? I know that afterwards on one occasion, in the case of certain negroes, who had been in the army, and had served in some situations, and served faithfully by the side of their friends and masters, and whose reenlistment was urgently desired, he did make an exception; but his general and fixed policy, as well as that of the Congress, was against the use of negroes in the military service. Gentlemen have been led into their historical mistakes on this subject by finding such exceptional cases, and exaggerating them in the fog of their own fancies. So, in the present war, black soldiers have been used in Louisiana, it is said, by Governor Moore, on the rebel side; and there may have been a few employed on the Chickahominy, who may have shot some of our soldiers there. And gentlemen have rashly inferred from this that there is a general system of organizing negroes for soldiers in the Confederate army.

Mr. McPHERSON. I ask the gentleman from Ohio whether he can speak as to the correctness or falsity of the statement which I see in the newspapers, that it has been decided by the war department at Richmond, that any person in the rebel States having any white blood in his veins is looked upon as liable to conscription, thus revoking the rule of law and practice, with the evident purpose of drawing mulattoes of every hue into the military service?

Mr. Cox. If that is the case, they have, since this war began, reversed entirely the status of the African descendants. I have no knowledge of any such decision as that referred to by the gentleman. Certainly I would not predicate legislation here on any such decision, even if it was more than rumor.

Mr. WICKLIFFE. Will the gentleman from Ohio allow me to state a fact? When the army under General Bragg left the town where I live, at the approach of Buell, last September, some sick officers were left behind. I conversed with them, because I had heard it stated that the rebels

were employing the slaves in the army, and I was assured by them—and they were gentlemen although they were rebels—that the statement was untrue, that there was not a single negro employed as a soldier in their army, though there were negroes in it employed as servants and waiters. I state this on their authority, and I believe they told the truth.

Mr. COX. The gentleman from Pennsylvania [Mr. MCPHERSON] does not give any authority for his statement, except that he has seen it in the newspapers.

Mr. MCPHERSON. I do not assert that fact, but there are other facts which I may assert in the discussion. I do not know what the authority is for that statement.

Mr. COX. I do not generally act myself on these unofficial assertions. When an order to that effect is issued from the Confederate Government, it will be time enough to consider what our action shall be, by way of retaliation. But, Mr. Speaker, there is this difficulty in beginning this system of negro enlistment. It has, no doubt, occurred to many gentlemen on the other side of the Chamber. It is this: if we employ negroes as soldiers, and they are not employed on the rebel side, our negro soldiers, if captured by the enemy, will be turned over to the States South for punishment, not according to the military code, but according to the laws of those States. Thus we would place the negroes in great peril perhaps of life, without having any means on our part adequately to redress their wrongs. Moreover, the Confederate States, if they have not begun this business of enlisting colored men, will not treat our black soldiers as the equals of their white soldiers or of our white soldiers; and the result will be, as many negroes at the North are shrewd enough to foresee, that they will, if captured, receive none of the advantages of the laws of war, but all the terrible consequences of being outlawed from the international code, slavery, imprisonment, and perhaps death. And how, sir, can we retaliate for any such injuries or outrages? As the gentleman from Kansas argued the other day, and as Vattel argued before him, a rebellion, when formidable, demands, in the name of humanity, the observance of the laws of civilized warfare, the laws of moderation and honor. There is a distinct society, organized *de facto*, in the South; and the laws of war obtain the same as between two nations with regard to prisoners of war. These men in the South have great power, and although it may have been obtained wrongfully and outrageously, we must legislate on the facts as they exist. We must not shut our eyes to the fact that they are a power so formidable that we cannot, as an act of humanity to our soldiers, refuse to observe the laws of war, not as we would interpret them, but as they also may interpret them. No genuine friend of the negro would try to persuade him to take the position of a soldier in our army, knowing how the Confederate Government has determined to treat negro soldiers. The men who would try to dragoon him into that position are not his friends. The poor negro, if he survive this conflict, will bitterly curse the very men who seem most to champion him, but whose championship has in it more of political consideration than of generous feeling.

Mr. EDWARDS. I understand the gentleman that if these black soldiers in our army should be captured by the enemy and be handed over to the civil authorities to be treated as felons, and their lives taken, or any



other consequence visited upon them not known to the rules of civilized warfare, that the United States Government would have no remedy.

Mr. COX. What is your remedy?

Mr. EDWARDS. Retaliation.

Mr. COX. Retaliation—that is a rule which will soon turn this into a barbarous war. It has no limit—no law. It has but one end—bloody extermination.

Mr. EDWARDS. I would hang or shoot one of their soldiers every time they hung or shot one of ours.

Mr. COX. But suppose that they took the black soldiers they captured and made slaves of them; what would the gentleman do then? Do you not remember what President Lincoln said to those Chicago preachers who called upon him to issue his proclamation? Do you remember what he said in reference to the free negroes captured by the rebels at Harper's Ferry? He said, "What can I do? Mr. Greeley complains that I do not do something to reclaim them, or revenge them. *But what can I do?*" I ask the gentleman what could he have done? What has the President done to bring back those free negroes captured at Harper's Ferry by the rebels? Would you have him retaliate upon white rebels because they abuse the captured negroes? You will answer, Yes. Then what? Retaliation again from them upon our white soldiers, and so on, until the war becomes unbearable to the Christian world, and an outrage upon all civilized codes.

Mr. EDWARDS. I answer the gentleman that, under the laws of war, this Government is authorized to treat those whom we capture in battle as those captured from us are treated by the enemy. I ask the gentleman from Ohio, now, whether if Jefferson Davis should carry out his threats against those he has captured from us, and subject to ignominy our white officers, it would not be the duty of this Government to visit the same penalties upon the rebel officers whom we have captured from them?

Mr. COX. I know of no other way now by which properly to defend our officers who are captured. Such outrages will correct themselves. But would the gentleman pursue a policy which would aggravate the war, by causing our white men to be punished in return for the punishment of rebel white soldiers, who might be punished in retaliation for the punishment of our negro soldiers who may be captured? I will remind the gentleman that there are a great many difficulties in the way of carrying out his theory. This is a formidable rebellion, so formidable as to be able to interpret practically the law of nations. Whether right or not, the rebel rulers hold that the use of slaves by us is an outrage upon the laws of civilized warfare. If they act on that doctrine, again I ask, with the Executive, what are we to do about it? This Government once undertook to punish certain men as pirates. They were put in prison, tried, convicted, and, I believe, sentenced to death. But we were advised that the South would retaliate; and they did. They placed some of our best officers in prisons, and held them as felons. What did our Government do? Did it hang the pirates? Why not? It backed squarely out of its position.

Mr. KELLEY. If the gentleman will permit me, I want to say that not one of these men was sentenced.

Mr. COX. Why were they not sentenced?

Mr. KELLEY. There was no final judgment against any of them; there were motions for new trials pending in all the cases at the time this arrangement was made.

Mr. COX. Ah! What arrangement was made by which these men were not hung?

Mr. KELLEY. That I cannot tell.

Mr. COX. They were exchanged as prisoners of war. The Government could not help it. I do not complain of the Government for that. It was an inexorable necessity. A President that cannot go fifty miles south of his capital is limited *de facto* as to his power, though *de jure* his authority may run to the Gulf. This is, I repeat, a formidable rebellion. It interposes formidable obstacles in the way of your plans for making black soldiers, which it will be well to heed. You must cease underrating this rebellion. You must take into consideration the fact that this Southern Confederacy has a power of checking and retaliating; otherwise you will so imperil our white soldiers, to say nothing of the blacks, that the army will lack in recruits and lose its efficiency.

I did not intend to refer to any thing except the historical question connected with the use of negroes in the revolutionary war. I could bring proof after proof that, as a system of policy, the negroes were ruled out of our revolutionary struggle. On the 18th of October, 1775, a committee of conference, consisting of Dr. Franklin, Benjamin Harrison, and Thomas Lynch, with the deputy Governors of Connecticut and Rhode Island, and the committee of the Council of Massachusetts Bay, met at Cambridge to confer with General Washington. Their object was to reinvigorate the army. On the 23d of October, says the historian (*Historical Notes, &c.*, by George H. Moore, librarian of the New York Historical Society, p. 7), the negro question was presented and disposed of as follows :

"Ought not negroes to be excluded from the new enlistment, especially such as are slaves? All were thought improper by the council officers.

"Agreed that they be rejected altogether."

Again, in general orders, November 12, 1775, Washington says :

"Neither negroes, boys unable to bear arms, nor old men unfit to endure the fatigues of the campaign, are to be enlisted."

One of my colleagues [Mr. HUTCHINS] yesterday quoted Colonel Laurens, of South Carolina, as an authority to show that negroes were used in the Revolution. Colonel Laurens was a zealous and enthusiastic friend of independence, and favored the use of the negro as the aid of his master in that struggle. His motive was good, noble, and patriotic. The English Generals Dunmore and Clinton had attempted to do what is now sought to be done, hurl the negroes into the war as an element of diabolic insurrection. Proffers were made to slaves to run away and enlist in the English army. Thousands of slaves were lost. The Southern States were threatened by an army which would overrun and desolate it; and in the emergency Congress consented that the project of enlisting the negroes

should be submitted to South Carolina and Georgia, or the governing powers of those States. Was this the adoption of the system of negro service? Not at all. Laurens went to South Carolina and urged his scheme. He had some strong men to indorse it, not for lighting the flames of servile war or inflaming anew the raging elements of a civil war growing out of the agitation of the servile relation, but to prevent these very results, by organizing the slaves under and with their masters for the protection of both from a foreign foe. What became of this project? The historian tells us that it encountered at once that strong, deep-seated feeling nurtured from earliest infancy among that people, which was ready to decide, with instinctive promptness, against "a measure of so threatening an aspect, and so offensive to that republican pride which disdains to commit the defence of the country to servile hands, or share with a color to which the idea of inferiority is inseparably connected, the profession of arms, and that approximation of condition which must exist between the regular soldier and the militia man." This reasoning of the elder day is applicable now. Men are black yet and white yet, and time has not changed them. We cannot help the fact that the negro is black. We cannot reverse the established order of Providence and make him white. And if we cannot do that, we can never eradicate from the great body of the white people of America that prejudice against the black race which has been carried from private life into the public service, and which, if you run counter to it, will destroy the vigor and *esprit* of the army. Why, Mr. Speaker, perhaps one-third of our present army is made up of Irishmen. We know that a great part of the spirit of our army comes from the Celtic stock. Look at your Massachusetts regiments. I think that you will find in those regiments a majority of Irishmen. I tell you, sir, these Irishmen will not fight side by side with the negro. You might as well be warned of these things in time. You would listen to such warnings, if indeed you wished the army to succeed, and the Union restored.

I know that in the revolutionary times some States did allow negroes to enlist. New Hampshire allowed them. New Jersey disallowed the practice, true as ever to the most sensible views of public duty. New York did allow it at one time, but I think discouraged it as demoralizing and degrading. We have a report of a regiment raised in Massachusetts and quartered in New York, in which there were a few negroes. Of the effect of their military companionship upon the whites, it is said :

"Even in this regiment there were a number of negroes, which, to persons unaccustomed to such associations, had a disagreeable, degrading effect."

I do not understand the arguments made on the other side of the House in favor of this measure. Some gentlemen propose not to mix black and white in the same company or regiment. Why? Give me a reason for it, and I will give you the reason why they should not be mixed in the same army. Gentlemen should not be so sensitive, who are willing that negroes should go into the same army.

Mr. Speaker, the reason why this side of the House has fought this question so pertinaciously is the one which I gave when I asked to be excused from voting, that it was a part of a plot to drive the border States

out of the Union. Gentlemen know very well, if they know any thing of the people of the border States north and south of the Ohio as represented in or out of the army, that they will never consent to the formation of this force of black janizaries for any purpose. They will but incite the people to mobs and mutiny. The people are not yet so degraded as to desire to save their Government by the aid of black brigades; nor do I believe the projectors of this measure expect to save the Government by such means. But if they had racked their brains for a contrivance of mischief to prevent a hearty coöperation by the border States with our cause, they could not find a more mischievously diabolical plan than this bill. There are momentous consequences dependent on this sort of legislation. I beg the House to pause before they adopt it. This bill proposed at first to raise a negro army of one hundred and fifty thousand. I believe that the substitute of the gentleman from Pennsylvania [Mr. STEVENS] is not limited to any number. The law as now existing gives the President the fullest discretion to "employ" negroes in the service. He may use these black brigades wherever and however he pleases. Do you believe that such a scheme will ever be started or pursued with success? Will the people, sir, allow it to go on? Gentlemen forget that the people exist, and have spoken. This legislation is in total disregard and contempt of their voice. They have spoken for the Democracy. They have a right thus to speak; a right which the gentleman from Illinois [Mr. LOVEJOY] undertook to exercise on behalf of the honest masses and against the dishonest leaders of the Democracy! He to speak for the Democratic people! In his speech of yesterday he more than intimated that the Democracy were sympathizers with secession. He was called to an account by the gentleman from Indiana [Mr. DUNN], who said that such remarks would have a bad effect in the country.

Mr. WICKLIFFE. And in the army.

Mr. COX. I quote the reprimand of the gentleman from Indiana [Mr. DUNN], for this slander upon the Democracy:

"I have no especial regard for that institution, but I am afraid that such general, sweeping denunciations of the Democratic party as the gentleman has indulged in may have a bad effect. I, at least, have full faith in the loyalty of the great masses of the people of the loyal States, no matter to what party they may belong."

What did he mean by that? Why would the slander of the Jacobin from Illinois produce a bad effect in the country? Was it because it was untrue? Was it because it was unwise? What was the object of that particular reprimand? I will tell you. The gentleman from Indiana knows that the great body of this army that answered the call of the President, and entered into a war to be carried on in pursuance of the resolution of the extra session of Congress, offered by the gentleman from Kentucky [Mr. CRITTENDEN], went out to fight the battle of the Union and the Constitution, and when that object was accomplished, they believed the war should stop. They never went into a crusade of abolition; and when denounced as secessionists, because not abolitionists, the "bad effect of such sweeping denunciations" might appear in both army and people. After this overhauling of the Illinois member by the member from Indiana, the former changed his denunciations from the Democracy

to its leaders, here and elsewhere. The denunciation gained nothing in truth or decency by the change. Here is what he said :

"I did not refer to the honest masses of the Democratic party. If they had seen the cloven foot manifested by the Democratic leaders in this House, and in different portions of the country, they would never have given them a seat here. Governor Seymour would not have been elected Governor of New York. The people know them now. We knew that the leaders were in sympathy with the secessionists, but it did not manifest itself. The emancipation policy of the President brought it out. Last year the gentleman from Kentucky eulogized the President. He almost put him on a niche by the side of Washington. We have not heard one word of eulogy of the President from that gentleman at this session."

The member from Illinois thought that the President's emancipation proclamation was like Ithuriel's spear, that it had developed the secession sympathies of the Democratic party, or of its representatives here. I wanted to remind the gentleman at the time, that the "diamond-pointed proclamation" was issued thirty days before the election; and that as soon as it appeared, the people took the alarm, and they gave an unrivalled majority to the Democrats over their opponents. The other side of the Chamber was defeated by that unwise, ill-timed, and seditious proclamation.

The gentleman from Illinois said the other day, that he thought there would be a reversal of the late elections, and that he looked forward with pleasure to that result. Some time ago he said that we could not beat them again. Perhaps not, and for a good reason; for his remark reminds me of the dog which had his tail cut off, and then turned around to the man and said, "You cannot do that again." [Great laughter.] Why, sir, the late elections took from that side of the House from twenty to thirty members; and added them to the Democratic side.

The gentleman said something about the secession sympathy of the Governor of New York; that he did not represent the loyal element of that State. If the Governor elected by the people does not represent the loyal element, who does? If the gentlemen reelected to this House do not represent the loyal sentiment, who does? I would like to know whether my colleagues from Ohio on the other side represent the loyal sentiment of Ohio? If they do, that loyal sentiment is in a minority; and that is not an unpleasant message to send out to Jefferson Davis. This vituperation is a slander upon the majority of the people of the North. We on this side are the representatives of the people. We have no sympathy with secession; neither have the people of the North; none. We have in our own way sustained this Government. I have voted all the men and money last session and this session to carry on this war. But, notwithstanding all this, we are, forsooth, to be stigmatized by the gentleman from Illinois as secession sympathizers! A few days ago, in the same strain of vituperation, he took me to task, too, for a speech on Puritanism, which I made in New York city. For lack of something better, he referred to my small size. My only response to this coarse and irrelevant mode of debate, is this epitaph for the gentleman, which I once met with, and which, slightly changed, would answer all that he can say of the Democracy during his life, and suit his case very appropriately after death:

"Beneath this stone OWEN LOVEJOY lies,  
 Little in every thing—except in size; [Laughter.]  
 What though his bury body fills this hole,  
 Yet through hell's keyhole crept his little soul." [Great laughter.]

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### PERSONAL LIBERTY.

#### MILITARY ORDERS AGAINST FREE SPEECH—QUESTION IN MR. VALLANDIGHAM'S CASE.

A FEW days after the arrest of Mr. Vallandigham, at the annual May Convention of the Democracy of Licking County, Ohio, MR. COX spoke as follows:—Citizens of Licking: In the last Congress you were my constituents. It is proper that I should answer your call to address you; for you should know every reason for every vote I gave as your Representative. I shall not be deterred from this duty to you by any fear from any quarter; nor shall recent events and daily threats provoke me to utter sentiments less patriotic or more immoderate than I have been wont to utter. Come threats, come imprisonment, come torture, or come death itself, my lips shall not be locked. I shall do this to-day, not in the spirit of bravado, not for any sickly desire for martyrdom; but because I respect the law, as the supreme authority and rule of my conduct. If I speak in this spirit, I may bring the policy of the Administration into disrepute, but I shall magnify the Government thereby.

General Hascall, in his order No. 38, has interdicted all such speaking as will make the Administration disreputable; and he has said that General Burnside has approved of that order. I hope this is not true. General Burnside could not have approved of that order, and then have told Judge Leavitt in his return to the *habeas corpus* in Vallandigham's case, that "if the people do not approve the policy of the Administration, they can change the constitutional authorities of the Government at the proper time and in the proper method." What time and method? At and by the elections provided by law. To this we all agree. No going to jail for saying that. Nor is General Burnside so absurd as to accord to us the privilege of election, without the means to make up our minds as to the policy of men to be voted for; for he goes on to say: "Let them freely discuss the policy in a proper tone." Very good, I agree to that. No bonds for me yet. If therefore by a "proper tone" I should bring the Administration into disrepute, General Burnside will not send me to prison. Indeed, I do not think an improper tone can ever bring any one into disrepute except him who uses it. But General Burnside would stop what he calls "license and intemperate discussion." Had such discussion been prohibited years ago, this war would not be on us now. As to the propriety of stopping that sort of discussion by *military arrests*, even if they were legal, I dissent; but as to the bad taste and policy of such discussion I should agree. No "offence" in saying that, I trust. The same thing has been said in various ways since men wrote with the stylus, or Cadmus made the alphabet. Indeed, he weakens his cause, who uses an intemperate or licentious tone. Is he therefore to be suppressed? His statements may be falsehoods, his logic fallacies, his principles abhorrent, and his

motives base ; all these do not furnish a reason why he should be prohibited from uttering his views. Why, even the New York "Tribune" has said that "our Federal and State Constitutions do not recognize perverse opinions, nor unpatriotic speeches, as grounds of infiction." We must, to be faithful citizens, take the dross with the gold, in the current discussions of the day. Better let the little speck of license remain upon the eye, than put out the orbs of public intelligence, and live in sightless and despotic gloom. The people of this land cannot change their nature nor their education. Much as they may deprecate bad sentiments, they prefer to see them flash like powder innocuously above ground, than, pent up, explode with fearful ruin and combustion. How can the laggard authorities be urged to duty and tyrannical officials be lashed into discretion, especially in time of war, when power tends to play fantastic tricks and aggrandize its importance and function, except by bold discussion? In the Cabinet, in the public Assemblage, in the Court, in the Legislature, among all parties, everywhere, Reason should be allowed a free combat with Error. If Error strikes foul, the public will know how to award the prize. It is in the spirit I have indicated, of decorous and discreet moderation, that I propose to discuss the question, uppermost in your mind, connected with the arrest of Mr. Vallandigham. It is unnecessary for me to denounce his arrest as illegal. I come not to stimulate passion. I ask you to practise the courage of endurance, to the end that we may more speedily have a remedy. No amount of temporary restraint will prevent popular action. As a matter of philosophy, and not as a defiance, I state what you know, that Democratic thought is irrepressibly outspoken ; and that for every Democrat restrained, a hundred will leap to his place and court the honors of persecution.

The question involved in Mr. Vallandigham's arrest does not concern him alone. If it is a breach of law, it involves the fate of each and all. His arrest is a breach of the Constitution, State and Federal, which provides for the security of the people "in their persons, houses, papers, and effects ;" which forbids that any one should be held to answer for any crime except by indictment ; which protects life, liberty, and property by the processes of law ; and which declares for free speech without abridgment. This view is conclusive, but the state of civil war enlarges the discussion.

The question in that view is : Can a citizen, not connected with the army of the United States, remote from the scene of its operations, and in Ohio, where all the laws of the land are yet enforced by constitutional means, be subjected to military arrest, imprisonment, and trial before a military commission and punishment at its discretion, either for offences unknown to the law, or, if known, for which the law has provided a mode of trial and penalty? In other words : In this time of great peril, has the Federal legislature, after two years of war, failed to provide for all its emergencies? and, if it has failed, can the Executive act instantly and beyond the limits of the law, at his discretion? In pursuing these questions, I hold :

1. That Congress has provided for the offence alleged against Mr. Vallandigham. In the specifications he is charged with various expressions, "all of which opinions and sentiments he well knew did aid, com-

fort, and encourage those in arms against the Government, and could but induce in his hearers a distrust of their own Government, sympathy for those in arms against it, and a disposition to resist the laws of the land."

In the laws passed by the last Congress, such an offence is made punishable. By an act approved July 17, 1862, to "suppress insurrection," etc. (*U. S. Statutes*, p. 589), known as the confiscation act, it is provided (sec. 2) that if any person "shall give aid or comfort to the rebellion or insurrection and be convicted thereof, such person shall be punished" by fine and imprisonment and disqualification for office. In the 14th section, the Courts of the United States are given "full power" to institute all proceedings under the law.

This would be sufficient as to the crime as alleged and the tribunal to try it; but Congress did not stop there. By an act approved March 3, 1863, known as the act relating to the *habeas corpus* (*U. S. Statutes*, p. 755, etc.), from which I now read, the President is authorized to suspend the writ of *habeas corpus*, "in any case throughout the United States, or any part of it." Whenever and wherever the writ is suspended, no military or other officer is bound to answer the writ by the production of the body; but the judge shall, on notice that the prisoner is held under the President's order, suspend all proceedings under the *habeas corpus*. By the same law the Departments of State and of War are to furnish to the judges of the districts the names of political prisoners who were arrested therein, for civil trial. If the accused are not indicted, the judge is to order a discharge, and the custodian is to execute the order. In case the Departments fail to send such a list to the judges, any citizen may do it and obtain the discharge of the prisoner.

These laws are in force. They were made by a Republican Congress. They were made for this very exigency. This civil war was in contemplation when they were passed. It was intended by these laws to prevent arbitrary arrests and inquisitorial tribunals of military men. It was intended by them to guarantee an accusatorial trial, openly, with indictment, by a jury selected impartially, and who should return an absolute verdict. It will be remembered that two days after the Emancipation proclamation, to wit, September 24, 1863, the President issued another proclamation subjecting all persons "to trial by courts-martial and military commissions" who were found "affording aid and comfort to the rebels." The same proclamation suspended the *habeas corpus* for all such persons. If, then, you would understand the law of March 3, 1863, remember it was intended expressly to ignore the right of the President to issue that proclamation, without authority from Congress. The first section substantially disallows the right of the President to suspend the writ, without the assent of Congress thereto. The other section quoted provides civil trial for those arrested. Would you know the motive which prompted the law of March? Read the debates of the last session. The arbitrary arrests of the last summer were condemned at the last fall elections. In Vermont, in Massachusetts, in New York, in New Jersey, in Iowa, in Ohio—everywhere, far and aloof from military precincts, such arrests were made. The names of the victims are familiar. The election operated, as the miracle of old did, to open the prison doors. When, on the first day of the last session, I offered a resolution denouncing these arrests,



and calling on the President to stop them, it was voted down by the Republicans; yet many of their best men refused to sanction such proceedings. Cowan, Browning, Kellogg, and others, felt the necessity of providing for the relief of all civilians from military arrest and trial. They digested this plan of turning them over to the civil authorities for indictment, trial, and punishment, or discharge. Thus was secured, by the last Republican Congress, that penal trial upon which Montesquieu thought "that chiefly the liberty of the citizen depended." Thus was secured that "key-stone of a nation's public law"—a fair penal trial, without which liberty is but a sounding name.

In Ohio there had been no suspension of the writ of *habeas corpus*. It was, therefore, the duty of Judge Leavitt to see to it that Mr. Vallandigham had the benefit of the writ. The implication of the law I have quoted, required the Judge to issue it. I say nothing of the constitutional right of every one imprisoned, *as of course*, to have the writ. What business was it of his whether General Burnside would or would not execute it? He must have known the history of this writ of freedom—of this glorious result of the long struggle between law and power. He must have learned that the law had triumphed in the struggle, and that however it might be in France, where an iron rod was the staff of justice, in America and England, at common law, individual liberty and public justice were not empty words to make "earth sick and heaven weary," but practical realities, made so by the independence of the judiciary and the majesty of law.

So long as the writ had not been suspended in Ohio, nor martial law declared, the Judge had no right to refuse it, even to the meanest criminal. Had he allowed it, how do we know but that Gen. Burnside would have taken counsel of the Attorney-General, Mr. Bates, who, as an honest officer, would have advised that Gen. Burnside should either have returned the body, or have complied with the law of March 3, 1863, and have at once notified the Judge that he could not return the body, by reason of the suspension of *habeas corpus* in Ohio; or, perhaps, the Secretary of War might have handed in the name of Mr. Vallandigham to the Judge for "due process of law," by indictment and trial in obedience to the law of March 3, 1863. By the failure or neglect of Mr. Stanton to comply with his part of the law of March 3, 1863, it is now impossible to comply with its provisions, since Mr. Vallandigham is removed, by the act of our military, outside of its lines. If Mr. Vallandigham's name were placed upon the list sent to Judge Leavitt, it is now too late to afford him the civil trial provided by the Republican Congress. As your representative during the Congress which enacted the laws referred to, I declare to you that the avowed object of that legislation was to save the nation from any more of the disgraceful scenes of the last summer, when citizens were seized without warrant, imprisoned without law, and dismissed without hearing.

In uttering your protest against this infraction of law, fellow citizens, you give the best assurances of your fidelity to the Government. If the present Administration desire to provoke no hostility to the laws; if they would cultivate the respect of the opposition; if they would that the people, North and South, should look to them as the honored ministers of

justice, let them heed the appeals of their own wiser men and journals, and stop instantly this system of unexampled terrorism, which is slowly but surely producing disintegration, distrust, and anarchy in society.

2. But if Vallandigham's case is not included in those provided against by the laws I have quoted, then it is no offence at all, unless it be treason. We know that treason cannot be tried except in pursuance of certain fixed constitutional rules, and that these rules have not been pursued in this case. Where, then, does the chief Executive or his agents get this power of arrest? It is said by its advocates to be an implied power, belonging to the Commander-in-Chief of the army. In this capacity, it is said that he can, in subduing the enemy, use any power in his opinion necessary to that end. If so, then he has no limit but his own will. Such power is purely despotic. True, he has all the power, and no other, of the General-in-Chief of the army, but it is confined to the sphere of actual operations, and all such power is derived from and must be subordinate to the law which creates it. To command the army as its first chief, is not to have supreme control over all *citizens*, for that belongs to legislation, and the Executive cannot legislate. He cannot erect tribunals. He cannot create offences. He cannot arrest arbitrarily citizens who are not soldiers. Is martial law pleaded? Why, this has not yet been declared over the whole country. Nor does it apply where there is no army or rebellion. It was not applied to Ohio at all, nor to Dayton till after the arrest. Judge Curtis thus refers to this extraordinary power, asserted for the Commander-in-Chief:

"But when the military commander controls the person or property of citizens, who are beyond the sphere of his actual operations in the field, when he makes laws to govern their conduct, he becomes a legislator. Those laws may be made actually operative; obedience to them may be enforced by military power; their purposes may be solely to support and recruit his armies, or to weaken the power of the enemy with whom he is contending. *But he is legislator still*; and whether his edicts are clothed in the form of proclamations, of military orders, by whatever name they may be called, they are laws. If he have the legislative power conferred on him by the people, it is well. If not, he usurps it.

"He has no more lawful authority to hold all the *citizens* of the entire country, outside of the sphere of his actual operations in the field, amenable to his military edicts, than he has to hold all the *property* of the country subject to his military requisitions. He is not the military commander of the *citizens* of the United States, but of its *soldiers*."

If what Judge Curtis says be true, the power which has thus arrested one of our citizens, and created an offence, or a strange tribunal to try a real or alleged offence, is usurpation. If Judge Curtis be not mistaken, and if the Republican Supreme Court of Wisconsin are not also mistaken in a similar judgment; if the commentators and jurists of the land are not in error, then Governor Seymour has not overstated the case, when he says such conduct "will not only lead to military despotism, it establishes military despotism."

In Ohio the civil machinery of the State has not stopped. Every part of it was running without jar under the Constitution. The Courts were open, the process of the State unimpeded, not a single pulley, lever, joint, wheel, or cog out of place—all evolving out of harmony, order, peace, and security. Discussion was free; printing unrestricted; meetings public; the ballot-box and all other elements of freedom were unimpaired; when, lo! a citizen is seized in his own house, in the night

time, and by military force taken before a military tribunal, and by a mode of seizure and duress unknown to the institutions of the State, to answer for an offence, for the trial of which a law had already been passed, and a different tribunal already designated! He is tried, and justice laughs at the mockery. He is sentenced to be thrust within the borders of a formidable rebellion, whose success he had everywhere deprecated. What can come of it? What does it forebode? What does it mean? Horace Greeley told the truth when he said that this banishment was the worst joke which Mr. Lincoln had yet perpetrated. Precisely what Mr. Greeley means I cannot say; but if Mr. Vallandigham declares boldly in the South, as he has in the North, against the independence of their section, and the infernal atrocity of their war against our Government, this exile will be a comedy of errors. If Mr. Vallandigham should, through what he may conceive to be the injustice of the North, or the blandishments of the South, show the least sympathy with the rebellion and its objects, I shall be mistaken in his character. His Democratic friends will be the first to anathematize such recreancy. Time, to which he has appealed, will solve the wisdom or the unwisdom, the seriousness or jocoseness of this peculiar punishment.

3. What crime was sought to be thus punished? Mr. Vallandigham's speech at Mount Vernon was the ostensible, but his sentiments as to the war, expressed for two years, was the real offence. But would these come within the law of July 17, 1862? If so, let him be tried legally for his peace principles under that law. In his Mount Vernon speech he did not indulge in any urgent appeals for peace. He confined himself to denouncing the Administration for the infractions of the Constitution. He urged compliance with law and obedience to legitimate authority. His speech there allayed excitement, and estopped all tendency to violence. It is on record, that on some most material questions, my votes and speeches were not in accordance with Mr. Vallandigham's. I differed with him then, and yet differ, as you know, as to his peace policy; but upon that occasion, I said very little that would not be obnoxious to the same punishment, if, indeed, his speech there were obnoxious. Yet my speech was reported as "harmless;" his as "dangerous." I think I am right in assuming that Mr. Vallandigham's peace policy was the real reason of his arrest. This again enlarges the discussion. Had he a right to indulge in unwise and unpatriotic speeches? Supposing that he is wrong and others right, still there remains an important question, something more momentous than the arrest of one man. It is the right of free speech. It is the right always exercised in time of war by some one in favor of peace; a right indispensable to the attainment of the very object of war, which is peace. This right has been always used in time of war, as well in England as in America. To vindicate that right before you would be superfluous. As well reargue the principle of gravitation, the circulation of the blood, or the existence of light. The time was when John Milton wrote his scholarly defence of unlicensed printing, and proved the thesis of Euripides, fixed in immortal Greek at the head of his chapter, that

"This is true liberty, when freeborn men,  
Having to advise the public, may speak free."

Time was when his Puritan thunder echoed through the English land, and made the Parliaments listen to his plea for the liberty of discourse on all subjects, without the imprimatur of censor or the supervision of the provost. With what sterling sense he pleaded for that free speech, which allowed the wise man to gather the gold from the drossiest volume, and which did not fear to add any more folly to the fool. "The State," said he, "shall be my governor, but not my critic!" What he thought then, at the dawn of English popular freedom, the courts of England afterwards applied to both religion and politics. On the 24th of July, 1797, Thomas Williams was tried before Lord Kenyon for printing Tom Paine's attack on Christianity. The great Lord Erskine defended him. While he reprobated the object of the Infidel in his "Age of Reason," he vindicated, with an angelic eloquence which has made his speech the verdict of millions, the most unbounded freedom of discussion, even to the challenging of error in the Constitution itself, and especially in its administration. Hear his noble sentiments :

"Although every community must establish supreme authorities, founded upon fixed principles, and must give high powers to magistrates to administer laws for the preservation of the Government itself, and for the security of those who are to be protected by it; yet, as infallibility and perfection belong neither to human establishments nor to human individuals, it ought to be the policy of all free establishments, as it is most peculiarly the principle of our own Constitution, to permit the most unbounded freedom of discussion, even by detecting errors in the Constitution or administration of the very Government itself, so as that decorum is observed, which every State must exact from its subjects, and which imposes no restraint upon any intellectual composition, fairly, honestly, and decently addressed to the consciences and understandings of men. Upon this principle I have an unquestionable right—a right which the best subjects have exercised—to examine the principles and structure of the Constitution, and by fair, manly reasoning, to question the practice of its administrators. I have a right to consider and to point out errors in the one or in the other; and not merely to reason upon their existence, but to consider the means of their reformation. By such free, well-intentioned, modest, and dignified communication of sentiments and opinions, all nations have been gradually improved, and milder laws and purer religions have been established."

Under such a large-minded philosophy, we could tolerate a Wendell Phillips, so long as there is left reason to combat his heresies of hate. But if we are only to have freedom of speech from the Phillipses and other ranters against our system of government, while those are throttled who to preserve that system would correct its administration, then indeed is Liberty manacled and Reason in irons.

These old discussions I had thought would never have been revived, except to honor the heroism of the early martyrs who like Algernon Sidney died for freedom of thought, or to admire their graceful style of expression through which the soul of heroism shone. We had already gemmed upon the forehead of our time the resplendent coronal of free thought and free printing and free speech. They were the crown jewels of popular sovereignty. They have not been shut up in caskets, like the jewels of princes, but set in our fundamental law—not for a life only, but for a nation's life, to shine with their "silent capabilities of light" for an immortality!

With what a glorious fervor Daniel Webster vindicated this right! His sentiment you have recognized by adopting it as one of your resolutions to-day. His comprehensive mind saw in free debate the scholar's

stimulus, the philosopher's stone, the statesman's policy, the citizen's protection, and the religionist's faith! He saw in it the rod for error, the plummet of truth, and the car of advancement. Especially did he find in its guarantee a nation's capacity and repose, a people's liberty and happiness. He saw that reason would lose her great office, the pen its pungency and power, and eloquence its fervor and force, if freedom of thought and speech was circumscribed.

What Webster saw and expressed with the glow of a great heart, Thomas Jefferson has handed down in his inaugural message, wherein he has imperaled forever the principles of Democratic liberty: a jealous care of the right of election; the supremacy of the civil over the military authority; the diffusion of information, and the arraignment of all abuses at the bar of public reason; freedom of the press and freedom of person, under the protection of the habeas corpus and trial by juries impartially selected. These principles form the bright constellation which has gone before us and guided our steps through an age of revolution and reformation. The wisdom of our sages, the blood of our heroes, have been devoted to their attainment. They should be the creed of our political faith, the text of civil instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error and alarm, let us hasten to retrace our steps and to regain the road which leads to peace, liberty, and safety.

I would to God that I could read to Mr. Lincoln, with such commentary as history furnishes, these principles of his philosophic and Democratic predecessor, that he might retrace his steps with regard to these extraordinary arrests. I would implore him, with that respect due to his high office, and forgetting all considerations but the honor and safety of the people of Ohio whose representative in part I have been so long, to pause before he precipitates any part of our people into the despair which is fast gathering upon their hearts. I would beseech him, in the language of his proclamation for national humiliation, in the name of that God who overrules the designs of Presidents and the orders of Generals, not to add to the "awful calamity of civil war, which now desolates the land," other and worse "punishments for our presumptuous sins." I would beseech him not to turn away from the earnest question which Horatio Seymour has propounded: "Whether this war is waged to put down rebellion at the South or destroy free institutions at the North;" but to answer it magnanimously by retracing his steps, releasing and stopping at once and forever this system of arrest and inquisitorial trial. He would thus assure you whose sons and brothers are in the field, that our Government shall not be subverted in the North, while our gallant soldiers are maintaining it with their lives in the South.

## MAGNA CHARTA—ITS SANCTITY.

*Extract from a speech delivered in Cooper Institute, in November, 1863.*

THE traveller who visits that island meadow in the river Thames, near Windsor, now used as a race course, and still known as Runnymede, does not go there to see the racing, but because that meadow marks an era in the progress of human freedom. There, six hundred and forty-four years ago, on the morning of the 12th of August, the iron-clad barons met King John, and wrested from him the same rights which have been violated by Abraham Lincoln, and ostracized by the indemnity bill of the last Congress. [Cheers.] These rights were written in the Latin of that day, "*Nullus liber homo capiatur*." Dead language, but vital with liberty—which Chatham said was worth all the classics.

"No free man shall be arrested or imprisoned or deprived of his own free household, or of his liberties, or of his own free customs, or outlawed, or banished, or injured in any manner, nor will we pass sentence upon him, nor send trial upon him, *unless by the legal judgment of his peers or by the law of the land.*" [Cheers.]

This was the germ of our civil freedom, which the pigmies of to-day are endeavoring to uproot, now that it has grown from the acorn to the oak! As another (Judge Thomas of Massachusetts) has so finely expressed it: "From the gray of that morning streamed the rays, which, uplifting with the hours, coursing with the years, and keeping pace with the centuries, have encircled the whole earth with the glorious light of English liberty—the liberty for which our fathers planted these commonwealths in the wilderness; for which they went through the baptism of blood and fire in the Revolution; which they imbedded and hoped to make immortal in the Constitution; without which the Constitution would not be worth the parchment on which it was written." [Cheers.] As if to make this great charter sacred forever in the Anglo-Saxon memory, to connect it with the holiest emotions of religion, and to sanction it by the hopes and the terrors of the unseen world, the Catholic hierarchy of that day—long before Protestantism arose, before the Reformation, before we had the transcendental light of our Puritan preachers [laughter]—this Catholic hierarchy, then the friend of the oppressed and the people, were convoked a few days after the unwilling king signed the charter. Picture to your eye that great convocation. It met in Westminster Abbey, the mausoleum of the dead royalty and genius of Britain. Here was the king upon his throne, sceptred and crowned, impurpled in his robes of office; near him were the lords temporal in their scarlet gowns; on his right were the gentlemen of England representing the Commons, the people of the realm; and within the altar were the lords spiritual, clad in all the pomp of their pontifical apparel! In the midst stood Stephen Langton, the primate of England, Archbishop of Canterbury. The great organ rolls its music amidst the Gothic arches; the air, suffused with a dim religious light from the stained windows, trembles with the thrill of "*symphony divine*," and the choir sing *Te Deum*

*laudamus*—praise to God for the great charter of human freedom! Censers swing and the incense rises, an offering to the God of justice! And in that impressive presence the Archbishop arises, and gathering upon his brow and in his voice the terrors of the invisible and eternal world, he sequesters and excludes, and from the body of our Lord Jesus Christ, from the company of the saints in heaven and the good on earth, he forever excommunicates and accurses every one who should dare violate that great charter of Anglo-Saxon freedom! [Cheers.] Think you, men of New York, these curses are not living yet? A Massachusetts Senator has said that your honored Governor is now being dragged at the chariot of a Federal Executive, usurping the rights of the people and violating the great charter, as eternized in our traditions, our history, and our Constitution. But the people of this country are meeting as of old, not in any Gothic minster, not in the presence of the great hierarchs, not with ceremony of Church and State, not to the music of organ and choir or the rising incense of praise, not amidst the fulminations of primates; but under the great sky of heaven, from the Atlantic to the Mississippi; and they, too, are sequestering and excluding, excommunicating and accursing—and from the body of the just God in heaven and from the company of the good and patriotic everywhere—all the minions of power who have dared in this age and land to violate these sacred rights of personal and constitutional liberty. [Great cheers.]

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#### CONFISCATION.

ITS HISTORY—EXPERIENCE OF IRELAND—CAN BELLIGERENCY AND TREASON EXIST TOGETHER?—  
PHILOLOGY PROGRESSIVE—CONSTITUTIONAL PROVISIONS—EFFECTS OF CONFISCATION.

"It is advisable to exceed in lenity rather than in severity; to banish but few rather than many; and to leave them their estates, instead of making a vast number of confiscations. Under pretence of avenging the republic's cause, the avengers would establish tyranny. The business is not to destroy the rebel, but the rebellion. They ought to return as quickly as possible into the usual track of government, in which every one is protected by the laws, and no one injured."—*Montesquieu*.

THE joint resolution explanatory of the Confiscation Act being before the House, on January 14, 1864, Mr. Cox said:—I do not desire to detain the House at any length. The general subject of confiscation, its legality and policy, was exhaustively discussed in the last Congress. I may be allowed to add a few considerations to those which have heretofore been offered here: first, as to the general policy of the confiscation system, with a view to putting down this rebellion; and secondly, as to the specific mode pointed out by this bill and its proposed amendments. My impression is, that the confiscation system has been an utter failure. Because it has failed, we are to have it newly tinkered session after session, and from day to day, with a view to encourage rapacity and aggravate grievances. Such legislation, sir, only stimulates rebellion. It destroys what remnant of Union feeling may be still remaining in the South. It ignores

the first lesson of history, what has been truly called "the principal observation of the best historians, that a whole nation, how contemptible soever, should not be so incensed by any prince or State, how powerful soever, as to be driven to take desperate courses." Instead of disarming the rebel, it arms him, when nearly exhausted, with the weapons of revenge and despair. Mr. Burke once said, speaking of America: "You cannot frame an indictment against a whole people." History is, alas! too full of examples of the ruthless savagery of confiscation. In proportion to the atrocities have been the resistance of the people and the desolation of the lands to which such savagery has been applied. If I should wish to present a case where all the horrors of subjugation, penury, devastation, and confiscation have been felt, I would go to Ireland. Crushed by the cruelty of a system similar to that now and here sought to be inaugurated, Ireland points with skeleton finger continually in all her sad history a warning to our rulers. I do not think these cruelties of England toward Ireland are attributable solely to the Puritan spirit of the time of Cromwell, although I find in her history an appeal from New England, in the person of one of her pastors, to Old England, to make the "English sword drunk with Irish blood, to make them heaps upon heaps, their country a dwelling-place for dragons, an astonishment to nations." These excesses were not the result of religious bigotry alone. They date from the earliest connection of Ireland with England. All her rebellions were the reaction of suffering against rapine. With permission, I extract from Smythe's *Ireland, Historical and Statistical*, volume eleven, page 117, the terrible lesson I have pondered on the general subject of confiscation. After the expulsion of James II. from the throne of England, the slender relics of Irish possessions became the subject of fresh confiscations. From a report made in 1698, it appears that nearly 4,000 Irish subjects were outlawed, and their possessions, amounting to 1,060,792 acres, were confiscated. The area of Ireland is estimated at 11,042,682 acres. The historian says, that the forfeitures in the reigns of Mary and Elizabeth were 2,838,972 acres; in the reign of James I., at the Restoration, and in 1688, the forfeitures were 11,697,629 acres; so that the whole island has been confiscated, and some parts twice. In one century no inconsiderable portion of the island was confiscated twice, or perhaps thrice; so that at the Union, the situation of Ireland was unparalleled in the history of the world. Such universal ruin only served then, as it will serve in this devoted land, to inspire hatred and scorn between the conquered people and the victors who trampled upon them. Retaliation and murder ever follow closely upon the heels of confiscation. There is not a wise writer who has pictured this history but has condemned the impolicy, not to say illegality, of the forfeitures. They operated always against the conclusion of the war. Had the Irish been regarded as alien enemies instead of domestic rebels, they would have had one relief—they would have retained their possessions under the established law of civilized nations.

If I were to assume the premises sometimes assumed by gentlemen upon the other side of the House, that this war is a territorial war, and that every man, woman, and child, loyal or disloyal, within the limits of the belligerent territory are alien enemies, and should suffer all the consequences of belligerency, according to the law of nations, then there would



be no foundation at all for acts of this kind.\* If the rebel becomes an alien enemy, you cannot confiscate the private property as these bills propose. If there be a line of force, protected by bayonets, which, according to the Supreme Court in the *Hiawatha* case, makes the confederacy a *de facto* government; if this be true, as argued by the Solicitor of the War Department, and as has been argued by a gentleman in the other end of the Capitol, then there can be no confiscation of rebel property at all in the manner prescribed by the confiscation act. But I do not propose to inquire too curiously into this matter, though it may well engage the attention of jurists to inquire how treason can be alleged or confiscation follow where the accused were under the dominion of a power capable of coercing allegiance to it and holding the sword of the magistrate *de facto*, though not *de jure*. Protection and allegiance are correlative. While government gives the one, it may command the other. If it fail to give protection, would it be just or rational to punish for treason? This subject is treated in the books, and, indeed, was the subject of English statutes. It is thus stated by a writer in the *New American Cyclopædia*, under the title *Treason* :

"But, from the obvious absurdity of exacting from every individual a sound, or rather a fortunate, judgment as to the obscure and complicated grounds on which the claim to sovereignty often rested, it became and still remains a well-settled rule, that no one incurs the guilt of treason by adherence to a king or government *de facto*, although that king or government has but the right of a successful rebel, and loses it all by a subsequent defeat."

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\* A succinct statement of this heresy is to be found in a letter of William Whiting, Esq., the Solicitor of the War Department, addressed to the "Union League of Philadelphia," in exposition of the political situation created by the progress of the war. In this publication Mr. Whiting contends that the war between the Government and the insurgents has at present reached such a stage that, alike in law and in fact, it has become a "territorial civil war," that is, as he adds, "a war by all persons situated in the belligerent territory against the United States." He says :

"Whenever two nations are at war, every subject of one belligerent nation is a public enemy of the other. An individual may be a personal friend and at the same time a public enemy to the United States. The law of war defines international relations. When the civil war in America became a territorial war, every citizen residing in the belligerent districts became a public enemy, irrespective of his private sentiments, whether loyal or disloyal, friendly or hostile, Unionist or Secessionist, guilty or innocent."

According to this logic, therefore, every citizen and subject of the Southern Government, whether loyal or disloyal, friendly or hostile, Unionist or Secessionist, guilty or innocent, black or white, bond or free, is to be held and treated as a public enemy of the United States.

The rights of persons inhabiting the seceded States are thus comprehensively defined :

"Each person inhabiting those sections of the country declared by the President's proclamation to be in rebellion has the right to what belongs to a public enemy, and no more. He can have no right to take any part in our Government. That right does not belong to an enemy of the country while he is waging war or after he has been subdued. A public enemy has a right to participate in or to assume the Government of the United States only when he has conquered the United States. We find in this well-settled doctrine of belligerent law the solution of all questions in relation to State rights. After the inhabitants of a district have become public enemies, they have no rights, either State or personal, against the United States. They are belligerents only, and have left to them only belligerent rights."

If this be true—which, however, I deny—then those who urge it at least are estopped from urging trials for treason, and confiscations as the penalty. There can be no treason in case of a belligerent who is in the position of a public enemy.

It seems to have been adopted by the dominant party in this House that this confiscation system shall, if possible, be carried out in the South. They cannot do it and make it effective under the Constitution. They must do it over that instrument and in spite of its limitations. All the forfeiture which they can obtain under the Constitution is simply the life estate of those who are convicted of treason; and as that life estate is no longer than the halter with which the man is hung, the results would not be worth the pains. Avarice would not be sated by a life estate. Its maw must be gorged. It must have all. Hence, from some motive or other not creditable to our human nature, whether it be from unchristian malice or corrupt greed, or some other diabolic desire, there seems to be an urgency upon gentlemen upon the other side of the House to break the Constitution to get at the absolute title to the estates of the rebels.

I know it may be said by the gentleman from Iowa that the bill which he has presented does not involve the constitutional question. He tells us that he simply desires to submit the question to the Courts, and let them determine whether or not the forfeiture shall be in fee or for life. But, sir, the gentleman from Pennsylvania [Mr. STEVENS] and others have indicated a desire to move amendments here, repealing the joint resolution of the last Congress, which, on the suggestion of the President, embodied the language of the Constitution. The effect of such repeal will be to leave the original law in full force. Its execution will then be attempted without regard to the Constitution, and the officers of the Government will at once seize upon and sell the property in fee. The vendee will hold it absolutely, and the burden of contesting its validity will be thrown upon children and heirs whose rights the Constitution intended should be guarded. Therefore, the question comes up properly on this bill, whether we shall allow any such unconstitutional measure to pass; for even by the bill of the gentleman from Iowa, without any of the amendments proposed, we would be holding out to the judges and to the instruments of this administration, a lure to lead them on to follow up this confiscation system for some bad purpose or other. I honor the judiciary, sir, as much as any member; but, in these days of loose construction and irresponsible tyranny, I am growing distrustful of all powers, wherever deposited. Now, we know that the judge of the United States Court for the eastern district of Virginia, a Judge Underwood, has lately been passing upon this question. I do not know any thing about his character, judicial or otherwise, but he has decided, as I understand, in conformity with the argument of the gentleman from Indiana [Mr. ORTH]. Indeed, the argument of the gentleman is drawn from this precious reservoir of learning. After quoting the constitutional clause, that

"Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood or forfeiture *except during the life of the person attainted*;"

he has held that—

"If we use the word 'except' in the above sense in the constitutional provision, or make it read, '*unless during the life of the person attainted*,' we shall at once come to the *true intent and meaning* of the provision, to wit, that the forfeiture was to be perfected *during*, and not *after*, the lifetime of the party attainted."

Wonderful jurist! Profound logician! Sage philologist! He actually holds that the word "*except*" in the Constitution means something else than its own common and technical meaning; that it means "*unless*." By all the processes of his court, as I am informed, he is striving to give effect to his absurd decision, by conveying the absolute title to those estates which have been confiscated before him. Well, sir, if this judge, under the confiscation law and the joint resolution interpreting it, had a right to do any thing of that kind, what is the need of this legislation? Why is this additional legislation proposed? The very fact that the gentleman from Iowa has brought in this bill is evidence to my mind that this judge is a corrupt man, and deserves impeachment for breaking down the existing law, which the gentleman from Iowa is now trying to amend so as to make such proceedings valid hereafter. The introduction of this bill is a stigma upon his name, which will grow blacker with time. I would need no other evidence of the corruption, the bad heart, and the perverse judgment of that judge, than the simple argument which can be drawn from the words of the Constitution against his mode of confiscating property.

The gentleman from Indiana [Mr. ORTH], whose speech I had the pleasure of reading a few minutes since, for I could not altogether hear it while he was delivering it, concluded his argument with an invocation to the House to be virtuous, to stand firm to their duty in this time when the nation is reeling and staggering under the sturdy blows of organized treason. He appeals to us in this time to gather around the Administration and to put down traitors and punish the guilty. Very well. I am with the gentleman in all that, but I should have liked his appeal better had he called on us to stand by the Constitution as all-sufficient for these purposes. In almost the same breath the gentleman says he would oppose the enactment of laws which inflict cruel, harsh, or unjust punishment upon offenders. Indeed! The question here is not how, by penal statutes, to reach the guilty. The guilty are already reached by the present law. This bill reaches beyond the guilty traitor, and involves, by a posthumous punishment, the innocent and good—ay, even the unborn children. It inflicts on the children of the guilty the punishment due to the parents; and the gentleman from Indiana, who seems from his speech and countenance to be benevolent, shows that in fact he partakes of the ferocious humanity of the hour, by arguing in favor of a bill to punish the inoffensive offspring of the traitor. How kind his logic is may be seen from this extract:

"You cannot take from one that which he hath not. You cannot rob one who is not possessed of any thing. I propose to take from the traitor his property before his death, and before it can descend to and vest in his heirs. The child has no natural right to the property of the father. Even in society the child cannot demand, as a social right, the possession of his father's estate. The father, during his lifetime, can alienate his property by deed of conveyance or by will to take effect at his death; and he can by either process totally disinherit his children, and grant his estate to strangers. It is only in a certain contingency that the child obtains possession of the father's property, as where he dies intestate, and this right of inheritance is purely a social right, depending upon express legislation or immemorial usage ripened into the validity and sanctity of express law."

The child has no natural right to the property of the father! What

an unnatural proposition ! It is only "express legislation or immemorial usage" that gives to the child, in the absence of an unnatural will, the estate of the father ! Truly, sir, we have fallen on evil times, when to bolster up a bill of penalty like this, upon the children of the guilty, the beautiful and sacred relations of the family are to be disrupted. I am shocked, that in this age, and in this country, and in this House—and after England, following our example, has reformed her old and barbarous law, forfeiting estates in fee—I am required to stand up before the American people, and, as a matter of pure philanthropy and common decency, protest against the cruel and remorseless character of bills of this kind, and to defend the rights of those who have committed no crime, but upon whom it is proposed to visit, after the death of the parent, the crimes of the ancestor. I protest against such bills as contrary to the gentle and loving spirit of the SAVIOUR, who, while upon his transcendent mission to this attainted and corrupted world, shielded, in his arms, the little ones of Judea. His words have a tender and sweet significance which it would not be unbecoming us as Christian legislators to heed : "Inasmuch as ye have done it unto the least of these, ye have done it unto ME." Would that these words were graven upon our memories and hearts when we come to vote upon this harsh and vengeful measure against the little children of the South ! Such words interpret the Constitution by a liberal canon of kindness—more potent than ever Grotius, Vattel, or Story conceived or expressed, or than ever modern philanthropy practised !

Mr. Speaker, the gentleman from Indiana, in his elaborate and learned speech, draw from the old feudal system, from the black-letter laws, from the whole history of our common law with reference to forfeiture, to show that there should be another and a different interpretation given to the Constitution from that which was given by the men who made the Constitution, by the men who passed the law of 1790 to carry out that clause of the Constitution to which I have referred, and by all the interpreters of the Constitution to whom he himself has referred. He says that the science of philology is progressive, and that a word which meant one thing at one time, and in one age, may mean another thing at another time, and in a different age ; and upon that principle he says that the word "except" in the Constitution means "unless," and then he draws, like the Virginia judge, the conclusion that the only meaning of the Constitution is that the proceedings shall be commenced in the life of the person attainted. It will be borne in mind that the phraseology of our Constitution was most carefully guarded. It was as pure and simple as the spirit of the Constitution was kind and liberal. The word "except," in 1787, had as plain a meaning then as it has now. The word "unless" was not its synonyme then, nor is it now, except in very rare and remote instances. But even if it were synonymous now, we are to find, not its meaning now but its meaning then : the philology of 1787 is to govern, and not its advanced meaning now. But, suppose the gentleman should, by some technical logomachy, find out that the word "except" meant sometimes "unless ;" he does not find the word "unless" in the Constitution, and if he had, it would make no difference in the argument. The word "except," according to my philology, which has not progressed very rapidly,

is derived from the Latin words *ex* and *capio*, to take from, to exclude from, to leave out. This is the primary, and not the secondary meaning into which the gentleman would distort it. This is the meaning always attributed to it by all the public writers who have commented on this part of the Constitution. This, too, is the ordinary and simple meaning of the Constitution. It reads in this way, and cannot be made to read in any other: "But no attainder of treason shall work corruption of blood or forfeiture **EXCEPT** during the life of the person attainted." There are some clauses which interpret themselves. Discussion only obscures, and does not elucidate their meaning. This clause is one of them.

Now, suppose the gentleman inserts his favorite word "unless;" how does that help him? It is still a limitation on the power which works corruption of blood or forfeiture, and that limit is during the life of the person attainted of treason. That word "unless" does not change the meaning of it at all. You may use it with all emphasis, and still the limitation would be on forfeiture during life. But, Mr. Speaker, there can be no such construction given to it. The word "except," according to Worcester; Webster, and all other dictionaries, in its first and best meaning, simply means "to exclude from;" so that when the Constitution said that the attainder of treason should not work forfeiture of property except during the life of the person attainted, it meant that the forfeiture should exclude the fee. It was *taken* out of and from the effect of the forfeiture. The forfeiture never went beyond the life. And there are good reasons for such a construction which the gentleman from Indiana seemed to overlook. He might have found them laid down by Judge Story. He might have found them in the United States Court decisions. He might have found them in the history of the English Parliament. He might have found them in the history of English and Irish confiscations. It was intended by our Constitution to prevent forever this crime of Government taking from those not in legal existence, from minors, from the weak and helpless, from those not guilty, from those incapable of crime, that property which always in cases of intestacy, and generally in cases of will, the law gives to the children, and which, by natural right, and according to every code of inheritance known among men, always goes to the children in the absence of a will. The only authority which can be offered by the gentleman for his construction is this Virginia judge. The gentleman has brought no authority here for the purpose of sustaining his view—none whatever. He has evidently been diligent, and has examined all the authorities, and found them against him. Can the gentleman name one authority which sustains his views of the case except this trashy decision of Judge Underwood? Not one. He relies solely on his progressive philology. So it is progressive. This war is teaching us many new meanings to old words and terms. A patriot used to mean one who loved his whole country; who was devoted, by a principle of sympathy and union, to every part; who had a common feeling and a common interest with those who lived under the same Government, who are contained within the same natural or historical boundaries; who cherished the tie that holds the country together, and who held that evil to any part of their fellow-countrymen was evil to themselves. Now it means otherwise. Philology is progressive. Now a patriot is one who can break the

supreme law, who can hate half his nation, who can rejoice in the bayonet at the election, and the greenback in corruption; who is anxious to see a war of extermination, and who, as the climax of his devotion, is willing to see the last one of his wife's blood-relations offered upon the altar, and the innocent offspring of the South turned homeless and penniless upon the cold and unfeeling world for crimes in which they could not be participants! Philology is progressive. A traitor now is a man who loves the old order, who dislikes to see the old Constitution dismantled, who is willing to make any sacrifice that will restore the Union, and whose very love of those who used to be under the same old family roof-tree amounts to such a sympathy that he would love to have them all restored. A philanthropist used to mean a friend of man. Now it means a friend of the black; or, rather, such friendship as drags the negro from home, happiness, and content, to pauperism, crime, and starvation! Philology is progressive. But Judge Story did not progress like the gentleman from Indiana in his philology. He kept the old meaning of the fathers, which was for all time. My friend from Indiana said that he could find but little written by our commentators upon this mooted clause of the Constitution. When he turned to Judge Curtis he found but one single sentence: "The punishment is not prescribed by the Constitution. It is left to be prescribed by Congress; with the limitation, however, that no conviction for treason shall work corruption of blood or forfeiture of property *except* during the life of the offender."

The matter was so plain to Judge Curtis that he could make but little commentary upon it. So it was with Judge Story. After quoting the clause in question, he says:

"Two motives probably concurred in introducing it as an express power. One was, not to leave it open to implication whether it was to be exclusively punishable with death, according to the known rule of the common law, and with the barbarous accompaniments pointed out by it, but to confide the punishment to the discretion of Congress. The other was, to impose some LIMITATION upon the NATURE AND EXTENT of the punishment, so that it should *not* work corruption of blood or forfeiture *BEYOND the life of the offender*.

"It surely is enough for society to take the life of the offender, as a just punishment of his crime, without taking from his offspring and relatives that property which may be the only means of saving them from poverty and ruin. It is bad policy, too; for it cuts off all the attachments which these unfortunate victims might otherwise feel for their own Government, and prepares them to engage in any other service by which their supposed injuries may be redressed or their hereditary hatred gratified. Upon these and similar grounds it may be presumed that the clause was first introduced into the original draft of the Constitution; and, after some amendments, it was adopted without any apparent resistance. By the laws since passed by Congress it is declared that no conviction or judgment for any capital or other offences shall work corruption of blood or any forfeiture of estate. The history of other countries abundantly proves that one of the strong incentives to prosecute offences as treason has been the chance of sharing in the plunder of the victims. Rapacity has been thus stimulated to exert itself in the service of the most corrupt tyranny; and tyranny has been thus furnished with new opportunities of indulging its malignity and revenge; of gratifying its envy of the rich and good; and of increasing its means to reward favorites and secure retainers for the worst deeds."—3 *Story's Commentaries*, p. 170.

Mr. Speaker, the gentleman from Indiana could find no reason for the construction which Judge Story gives, but that eminent jurist does find a good and satisfactory reason for the limitation of the punishment, and he

gives it in the extract which has just been read. Can there be a greater reason against extending a penal law than the fact that such extension will work harm to the innocent, and encourage tyranny, rapacity, cruelty, and murder? To say nothing of the impolicy of breaking down allegiance to the Government by such a system of injustice, the reasons I have quoted are sufficient to answer all that the gentleman from Indiana has said in favor of his construction.

Mr. ORTH. Will the gentleman allow me to ask him a single question: whether he takes the position that this bill now before us, or any pending amendments to it, will work corruption of blood?

Mr. COX. This bill, with the pending amendments?

Mr. ORTH. Yes, sir. Will it work corruption of blood?

Mr. COX. It cannot work corruption of blood under our Constitution. There can be no such thing as corruption of blood.

Mr. ORTH. I ask the gentleman furthermore whether the authority read from Judge Story does not apply, and do not his remarks apply, to the fact of corruption of blood?

Mr. COX. It applies to this very clause of the Constitution:

"Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood or forfeiture except during the life of the person attainted."

It is on that Judge Story is commenting. The gentleman argued that there had been in England abuses with regard to corruption of blood and forfeiture of estates. Persons had been found guilty of treason after death, and estates had been forfeited after the person attainted had died. Monstrous abuses had grown in consequence of declaring the blood to be attainted after death; men were so blackened by the attainder that they could not transmit an inheritance to their descendants. Premising these facts of history, the gentleman argued that the object of this mooted clause of our Constitution was to prevent such abuses. That was the main point of the gentleman's argument. That it is a gross fallacy I shall demonstrate. He said, and said very truly:

"In further support of my position, let me advert to the fact that in England, long prior to and at the adoption of our Constitution, attainder of treason after the death of the supposed traitor (I mean his natural death before trial or even accusation) was of frequent occurrence. This was a monstrous doctrine, shocking to every principle of justice upon which the criminal code is founded, to accuse a man of crime after death, when none is to speak for his innocence, to proceed to trial and judgment, to wrest from innocent hands that property which by law upon his death descended to and vested in his heirs, and forfeit *their* property, and not *his* property, to the Government for his supposed criminal conduct. Is it not more just and reasonable to suppose that the Constitution intended to embrace and provide against this monstrous perversion of natural justice, than that it intended so absurd a proposition as that the forfeiture of estate should only be for that brief period of time between sentence of death and its execution?"

I answer the question the gentleman puts by saying that it is monstrous, that it is a great and grievous wrong, thus to attain a man and forfeit his estate after his death. The history of England in that regard is red with blood and black with cruelty. But from it our fathers learned a lesson. To stain the memory after death, to corrupt the blood after it had ceased to pulsate, and to "rob the innocent posterity of the inheritance which, by the laws of the realm, had descended to and vested in them, as

the lawful descendants of their ancestor," was so revolting to every sense of right and justice, that I join with the gentleman in execrating such baseness. The creative minds which gave form, life, beauty, and symmetry to our Federal system did not tolerate such barbarous codes. They saw these monstrosities. Ay, sir, and in our matchless Constitution they provided against their occurrence here in this free and better country; *but not by the clause to which the gentleman would refer.* If the gentleman had read the Constitution and the authoritative commentary more carefully, he would have found in a previous clause of the Constitution, which says that "no bill of attainder or *ex post facto* law shall be passed," the solution of the problem which he discussed. He would then have seen how amply our fathers guarded against those monstrous abuses of power which reached into the tomb and dishonored and disinherited those who surviving mourned. The argument of the gentleman is answered by referring him to that sweeping clause of the Constitution against all attainders. Judge Story says, in speaking of that very clause :

"Such acts have often been resorted to in foreign Governments as a common engine of State; and even in England they have been pushed to the most extravagant extent in bad times, reaching as well to the absent and the dead as to the living. Sir Edward Coke has mentioned it to be among the transcendent powers of Parliament, *that an act may be passed to attain a man after he is dead.* And the reigning monarch who was slain at Bosworth, is said to have been attainted by an act of Parliament *a few months after his death*, notwithstanding the absurdity of deeming him at once in possession of the throne and a traitor. The punishment has often been inflicted without calling upon the party accused to answer, or without even the formality of proof, and sometimes because the law in its ordinary course of proceedings would acquit the offender. The injustice and iniquity of such acts in general constitute an irresistible argument against the existence of the power. In a free Government it would be intolerable, and in the hands of a reigning faction it might be, and probably would be, abused to the ruin and death of the most virtuous citizens. Bills of this sort have been most usually passed in England in times of rebellion, or of gross subservience to the Crown, or of violent political excitements—periods in which all nations are most liable (as well the free as the enslaved) to forget their duties and to trample upon the rights and liberties of others."—3 *Story*, p. 210.

The wrong complained of by the gentleman is one for which he finds a remedy in another clause which he supposes was intended to limit the proceedings and not the forfeiture of estate to the life of the person attainted. Being thus simply provided against in the clause of the Constitution against bills of attainder, what other intention or use can there be for the clause in controversy except to limit the forfeiture of the estate during the life of the person attainted?

I have agreed with the gentleman from Indiana in condemning, with all the severity of language, the attainder after death and the robbing of the innocent children who would legally take the estate. But, as a matter of enlightened law, public decency, and Christian morality, I cannot perceive how such a case differs from the bill before us, which he sustains, and which proposes to despoil the children of their inheritance for the crime of the parent. Does it make the one a more heinous wrong than the attainder is after death and the property had already descended by statute? No, sir; the outrage in both cases consists in robbing the helpless and weak, in punishing the innocent for the guilty. To prevent this, in the interest of society and in the sacred name of the family, and to save the innocent from shame as well as from want, our Constitution declares, that the for-



feiture should not go beyond the life of the person attainted. The grave shall hide his shame. The child shall begin its life clear from stain, unsullied from the attain of its parent's life, and the inheritance it had expected from the physical source of its being, shall not be snatched away by unlineal hands or tyrannic rapacity.

Too abundantly does history cumulate the proof of the unwisdom of such legislation as that proposed by this bill. Such legislation is the premium which has ever been offered by power to the cormorants who cling to it, in order to perpetuate itself by sharing in the plunder. It is the reward which the dominant dynasty always gives to the gilded flies which buzz about the corpse of its victim to fatten on its corruption. Perhaps the saddest illustrations which this evil time will furnish of its lustful degeneracy, will be the clamoring of the partisan spies, informers, and mercenaries, who, too cowardly to meet the enemy in fight, will follow in the wake of our armies to speculate upon the plantations and estates which the rebellion has forfeited, but which the Constitution, in its beautiful benignity, would have saved to the innocent inheritor.

Is it necessary to add further authority as to the impolicy or unconstitutionality of this bill? I might appeal to the writings of the gentleman who has been employed by the Secretary of War to codify the laws of war. I mean the Dr. Francis Lieber who wrote so well of public law and liberty before he had official employment. I could read from his volume on "Civil Liberty" to show the scope and spirit of that part of the Constitution under debate. He says "that the true protection of individual property demands likewise the exclusion of confiscation"—

Mr. STEVENS. As the gentleman from Ohio is discussing a grave matter, let me ask him a question.

Mr. COX. Certainly, sir.

Mr. STEVENS. The Constitution provides that Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood or forfeiture. Now, has not Congress power to punish other than by attainder, and if that other punishment is the forfeiture of estate, does it violate the first clause of the Constitution?

Mr. COX. I answer the gentleman by referring him to the President's message. [Laughter.] The President, in his message to the last Congress, held that to divest the title forever—"for treason and ingredients of treason"—was unconstitutional. You passed the joint resolution to obviate his scruples. The gentleman must stand by the Administration. I charge him with being a traitor or a secessionist if he now desert Mr. Lincoln. [Great laughter.] I hope my friend from Pennsylvania, after so long hurling his envenomed shafts of satire against this side of the House because we did not always sustain the President, will not himself fail of his loyalty. There may be other punishments beside the forfeiture; but the punishment you now propose, and which I am now discussing, is unconstitutional. So says the Administration. I proudly stand by the Administration on this point. [Laughter.]

Mr. STEVENS. I understand the gentleman as not giving his own opinions, but those of Mr. Lincoln.

Mr. COX. When interrupted, I was giving the views of others—Judge Story, Judge Curtis, and Dr. Lieber. I am not prepared to say that all

of Mr. Lincoln's views on that subject are the best. I only say that they should be binding upon that side of the House who have so often urged that failing to sustain the Administration you fail to sustain the Government. Where, then, do gentlemen stand? Opposing the constitutional views of their chief! How handsomely you look before the country in that capacity, after your philippics against our disloyalty! Here is a bill which involves the very exercise of the highest sovereign power—confiscation of the estates of persons absolutely—a scheme of forfeiture involving hundreds, nay, thousands of millions of dollars, or of landed estates,\* involving in its consequences the prolongation of war and the procrastination of peace, involving the very fate of this Union and all the immense interests imbound with it to the latest generations, and about which the President was so anxious that he took the extraordinary trouble to send an admonitory message to prevent his friends committing a flagrant breach of the Constitution, advising them that he would veto the measure for its gross unconstitutionality; yet gentlemen stand here, after the lapse of a year or more, and by some “progressive philology” undertake to convict and censure their own Executive, overrule his matured judgment and sacred oath, and by failing to give him the required support on so momentous a measure, become, by their own cogent logic, traitors to the Government!

Mr. BROOMALL. The Constitution, punishing treason, allows the alternative of fine and imprisonment to be imposed. If, then, the fine be levied upon the offender's land, and that land is sold, I want to know whether the purchaser would only take a life estate?

Mr. COX. Certainly, sir. Under an honest and fearless judiciary, upholding the Constitution as the supreme law, he would only get a life estate. This may be an absurd conclusion; but I know that Judge Story does not think it absurd, nor does the history of these confiscations show

\* The debate having been hurriedly forced on the House, I had not the time to prepare any statements as to the property proposed to be reached by the Bill. The following table, from the Census of 1860, will approximate to it:

*Statement of the No. of Acres of Land, Improved and Unimproved, Cash Value of Farms, and the No. of White Children under Fifteen Years of Age.*

STATES.	LANDS IMPROVED.	LANDS UNIMPROVED.	CASH VALUE OF FARMS.	White Children under 15 Years.
	ACRES.	ACRES.	DOLLARS.	
North Carolina.....	6,517,284	17,245,685	143,301,065	265,496
South Carolina.....	4,572,060	11,623,860	139,652,508	121,386
Georgia.....	8,062,768	18,587,732	157,072,803	204,800
Alabama.....	6,462,987	12,687,938	172,176,168	238,704
Mississippi.....	5,150,008	11,703,556	186,866,914	157,588
Louisiana.....	2,784,901	6,765,879	216,565,421	141,741
Florida.....	676,464	2,273,008	16,371,684	34,621
Tennessee.....	6,897,974	13,457,960	272,555,054	364,518
Arkansas.....	1,933,036	7,609,938	91,673,403	154,296
Total.....	43,007,472	101,955,531	1,395,235,020	1,743,150

it to be absurd. By no scheme or device can you directly or indirectly forfeit the estate for treason, except in pursuance of the Constitution.

MR. BROOMALL. If the same individual should be indicted before some court for stealing chickens, and fined ten dollars, and his lands sold for the fine, could the estate be sold in fee?

MR. COX. If the gentleman would get a civil judgment, take out a *fieri facias*, and make a levy, then I suppose he could sell the fee. But that question of stealing chickens does not interest my constituents [laughter], at least those who are white. Besides, there are reasons growing out of the difference between the political crime of treason and the *malum in se* involved in stealing, which led our ancestors to frame the clause in question.

When interrupted by the gentleman from Pennsylvania, I was about to call the attention of the House to Dr. Lieber's volume. He may not be good authority for my friend from Pennsylvania [MR. KELLEY], who has informed the House that he is in communication with him, though he told us that he preferred his own instincts to Dr. Lieber's reason. He argued the other day that he would rather trust his own instincts of liberty than the authority of the war codifier. We have had too much legislation "upon instinct." I think at the time Dr. Lieber wrote the volume from which I was about to quote, that he was looking at the spirit of the law with that large roundabout common-sense view which a student of Montesquieu might well take; and with that enlarged observation he tells us:

"The true protection of individual property demands likewise the exclusion of confiscation. For although confiscation, as a punishment, is to be rejected on account of the undefined character of the punishment, depending not upon itself, but upon the fact whether the punished person has any property and how much, it is likewise inadmissible on the ground that individual property implies individual transmission, which confiscation totally destroys. It would perhaps not be wholly unjust to deprive an individual of his property, as a punishment for certain crimes, *if we would allow it to pass to his heirs*. We do it in fact when we imprison a man for life, and submit him to the regular prison discipline, disallowing him any benefit of the property he may possess; but it is *unjust to deprive his children or other heirs of the individual property, not to speak of the appetizing effect which confiscation of property has often produced upon governments*.

"The English attainder and corruption of blood, so far as it affects property, is hostile to this great principle of the utmost protection of individual property, and has come down to the present times from a period of semi-communism, when the king was considered the primary owner of all land. Corruption of blood is distinctly abolished by our Constitution."—*Dr. Lieber on Civil Liberty*, vol. i., p. 123.

What does the learned publicist mean by the "appetizing effect of confiscation upon Governments"? Did his prescient mind take in the adjudications of Judge Underwood? Did he look forward to the auction at Alexandria? Did he see town lots and Arlington heights under the hammer? And did he see how little enthusiasm life-estates produced, and what an appetizing effect the fee simple would have produced? Has the learned doctor struck, in his comprehensive reasoning, the motive for this bill? I charge that the object of this bill is to make a case in the courts, if possible, whereby some Judge like Underwood, by a corrupt, unjust, and dishonest decision, may overturn the organic law to give a quasi-absolute title, and thus place the burden on the heirs hereafter of contesting for their rights, and by harassing and oppressing the innocent and helpless, gain that possession which proverbially is nine points of the law in

favor of its continuance. It may well be asked by a considerate legislator, how long will the innocent heirs remain out of their property if they must sue and await the decision of the question in the courts? Shall it be until they attain their majority, or when? After the property has been once taken, there will, I fear, be but little remedy in the courts, for the judiciary itself may be the next department to cower before the behests of power and the "military necessity" of the hour.

Mr. Speaker, I am opposed to this bill, because I have gleaned from history a profound distrust of all such measures as a means of restoring allegiance and order. It is the system of revenge. It is hate enacted into law. It will not and it cannot come to good. It is unchristian. Indeed, any system which does not restore good will and kindness between the two sections, and especially if it robs the coming generation, will only tend to perpetuate with the children the hate which we might hope would vanish with time. Such a system is the very wantonness and excess of tyranny. It always has in it a self-punishing and corrective power. It carries a Nemesis with it as inexorable as fate. The history of Poland, Venetia, and Ireland should make us pause. Do we indeed desire to restore our Union? Do we desire to keep our plight to the Constitution? Do we crave in our hearts the return of that happier time when our public order reposed securely in the hearts of the people and in reverence for the Constitution? If we do, let us rather repeal our former harsh and vindictive legislation, and not enact other and harsher penalties; and if war must needs go on, if blood, blood, blood must still flow, and force must still be used against those who were once our brethren in the same nationality, then let us add to that force at every moment of decided success to our arms, at every pause in the dread conflict, the benignant policy of conciliation.

Mr. KELLEY. Will the gentleman from Ohio permit me to ask him the reference of his quotation from Dr. Lieber?

Mr. Cox. I will give it to the gentleman.

Mr. KELLEY. I do not know whether his quotation is a correct one, for the doctor has protested that the gentleman has always misquoted him, and charged him with entertaining opinions the reverse of what his opinions really are.

Mr. Cox. The gentleman from Pennsylvania, when he says I have misquoted Dr. Lieber, cannot be correct, for I have not pretended to quote him until to-day. I said the other day that he was opposed to the un-republican scheme of conscription. I have the authority, and I will produce it at the proper time.

Mr. KELLEY. If the gentleman will permit me, I would like to have the doctor himself speak upon this subject. I hold in my hand a note from the doctor, of the date of December 6, 1863.

Mr. Cox. The gentleman from Pennsylvania is not quite as logical as I could wish. I do not propose now to discuss the conscription bill. I will pay my respects hereafter to the gentleman on that subject.

Mr. KELLEY. I would rather the question be between the gentleman from Ohio and the gentleman he quoted as authority than between the gentleman and myself.

Mr. Cox. I should feel it a much greater honor if it were so.

[Laughter.] I was about to conclude by one general observation. The members upon this side of the House have not made, and do not intend to make, any factious opposition to this Administration. We intend to sustain it to the fullest extent of our ability in every legal way which it may mark out—in every way possible by which we can restore the old order of things in this country. Our views do not always agree with your views as to the best mode of restoring the Union and preserving the Constitution. If we could but agree upon one object—the rehabilitation of the States, with all their rights, dignity, and equality unimpaired—though our views may be diverse as to the means to attain that object, this Congress might carve out a historic fame as the restorer of that constitutional freedom which the last Congress did so much to destroy. Upon this side we will sustain any measure to put down rebellion which is warranted by the Constitution. But we will never lay sacrilegious hands upon the ark of our covenant. We constitute the constitutional opposition to this Administration. We have no opposition except it be inspired by that instrument. Its written grants of power, its limitations, and, especially in these times, its reserved powers, furnish the enginery of our antagonism. Drawing from this source, we fear no criticism. We defy all aspersions. Come evil or good report, we will labor—it may be in vain—to protect that instrument against any such breaches as that proposed by this bill and legislation of like character. Since I have been a member of this House I have labored, without rest, to make up in vigilance and study what I lacked in years and experience, that I might perform my whole duty to my constituents; and with one object ever uppermost in my mind—the object which Daniel Webster held to be first with a free people—the preservation of their liberty by maintaining constitutional restraints and just divisions of power.

Mr. ORTH. Before the gentleman from Ohio takes his seat, I would like to ask him one or two questions, and I have no doubt he will answer them without hesitation. My first question is, whether he is in favor of punishing the traitors who have been guilty of bringing on this rebellion?

Mr. COX. Yes, sir. I am in favor of punishing traitors according to the Constitution, by trial, by conviction, and by all the modes pointed out for the punishment of treason.

Mr. ORTH. I have no doubt of that. My next question is, whether he is in favor of punishing traitors by the death penalty?

Mr. COX. Yes, sir; and almost every day I have been voting money and men to inflict that penalty.

Mr. ORTH. I would ask him whether taking from innocent children the life of the father who sustains them, is not visiting the sins of the parent on the children?

Mr. COX. Yes, sir; that is one of the incidents which, perhaps, might have once been avoided, but which we cannot now avoid, but for which, praise God! I am not responsible.

Now, I wish to ask the gentleman whether he is in favor of punishing innocent persons for the guilt of their parents?

Mr. ORTH. No, sir.

Mr. COX. Well, sir, then you must be against this bill.

Mr. ORTH. I contend that we punish those who are guilty during their lifetimes.

Mr. COX. I would be very glad to welcome the gentleman within the pale of humanity.

Mr. GARFIELD. I wish to ask my colleague a question, not with any factious purpose, nor with any design to prevent a calm discussion of so important a question as this. I am sorry that this discussion has assumed a somewhat partisan character. It ought not to have that character at all, and so far as I am concerned it shall not. I wish to ask my colleague a practical rather than a legal question. I wish to know whether the objection he raises to this bill is not itself obnoxious to this objection: we punish men for civil and for criminal offences, great and small, in all the higher and lower courts of the country, by taking their property from them, so that their children can never have the benefit of it after the parent's death. Now, while we do this constantly in our courts, by civil and criminal process, does not my colleague propose to make an exception in favor of the crime of treason? Why should not the children of traitors suffer the same kind of loss and inconvenience as the children of thieves and of other felons do? I ask the gentleman whether his position does not involve this great absurdity and injustice?

Mr. COX. I will say to my colleague that, as he knows very well, in criminal procedures we do not at once by execution reach the real estate. But my colleague cannot withdraw me from my constitutional position as to this bill. All I propose to do in opposing this bill is to stand by the Constitution, and to stand by it all the time, regardless of consequences; and I will ask my distinguished colleague how he reads that clause of the Constitution under debate. Does he believe in the construction which has been given to it by the gentleman from Indiana [Mr. ORTH]? Does he believe that he can constitutionally take a traitor's property forever, or only during his life? Does he read the Constitution in opposition to Judge Story and to Judge Curtis? Would he set aside the construction given to it by the law of 1790? Or would he, dare he, with his oath upon him, now break the Constitution by voting for this measure, in order to get absolute title to the lands of those in revolt? Would he, to aggravate the punishment of the traitor, or to punish the innocent children of the rebels, break the Constitution?

Mr. GARFIELD. I would not break the Constitution for any such purpose.

Mr. COX. I am very glad to hear that.

Mr. GARFIELD. I would not break the Constitution at all, unless it should become necessary to overleap its barriers to save the Government and the Union. But I do not see that in this bill we do break the Constitution. If the gentleman can show me that it violates the Constitution, I will vote against it with him, even though every member of my party votes for it; that makes no difference to me. I will say, however, that I had supposed that the intention of that clause of the Constitution was to prevent the punishment of treason when an individual was declared guilty of it after his death. I had supposed that that was the purpose of it, and if so, it seems that this bill is not obnoxious to the objection which the gentleman raises to it.

Mr. Cox. If the gentleman will examine that other clause of the Constitution which I pointed out, he will find, as Judge Story found, that it provided for the outrage of trial and punishment of treason after the death of the person, by prohibiting all bills of attainder. The other clause of the Constitution is so exceedingly plain that the wayfaring man—even Mr. Lincoln himself—did not err in construing it.

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#### MISCEGENATION.

PATH OF THE FREEDMAN—IMPROVIDENT EMANCIPATION—CONSTITUTIONAL PROVISIONS CONSIDERED—LAWS OF PHYSIOLOGY—BLENDING OF RACES—PROGRESSIVE ABOLITION—DEMOCRACY NOT PRO-SLAVERY—NON-INTERVENTION ABOUT THE NEGRO.

ON the 17th of February, 1864, the House were considering the bill to establish a Bureau of Freedman's Affairs, when, by a diversion from the regular debate, the subject of "Miscegenation" came up. The pamphlet upon which Mr. Cox based his remarks, afterwards turned out to be apocryphal. It was written by two young men connected with the New York press. So congenial were its sentiments with those of the leading Abolitionists, and so ingeniously was its irony disguised, that it was not only indorsed by the fanatical leaders all over the land, but no one in Congress thought of questioning the genuineness and seriousness of the document. This species of logical irony has been used by writers of greater fame than the authors of the pamphlet. Burke used it, and Archbishop Whately used it; the former to vindicate civilization, and the latter Christianity. The "Historic Doubts concerning Napoleon," by Whately, found its believers; and many a sceptic embraced its most absurd conclusions in his eagerness to repudiate the truth.

The speech given below had a very extensive circulation in the press of the country. The Republicans were much puzzled by the frankness of their secret champion. Mr. Beecher's paper indulged a suspicion that the author was not altogether in earnest; but in the same article it uttered the same sentiments contained in the pamphlet. On the 25th of February, 1864, in an article on the union of races, he "agreed with a large portion of these pages," referring to the pamphlet. He contended that every great nation had been married into its greatness by a union of many stocks. To quote:

"Like a coat of many colors, every great nation is a patchwork out of the shreds and remnants of former nations. The American people is, in like manner, a stock of many grafts. An amalgamation of races is going on here to an extent almost without a parallel in history. Every nation under the sun is making some gift of its blood to our American veins. Immigration from foreign lands was never so multitudinous as now. Leaving out of view our native-born Americans of English descent, there are enough of other stocks on this soil to make three other nations—namely, the Irish, the Germans, and the Ne-

groes. Even the negroes number one million more than the whole population of the United States at the adoption of the Constitution. But these three stocks have not come hither to establish themselves as distinct peoples; but each to join itself to each, till all together shall be built up into the monumental nation of the earth! We believe the whole human race are one family—born, every individual, with a common prerogative to do the best he can for his own welfare; that in political societies, all men, of whatever various race or color, should stand on an absolute equality before the law; that whites and blacks should intermarry if they wish, and should not unless they wish; that the negro is not to be allowed to remain in this country, but is to remain here without being allowed—asking nobody's permission but his own; that we shall have no permanent settlement of the negro question till our haughtier white blood, looking at the face of a negro, shall forget that he is black, and remember only that he is a citizen. Whether or not the universal complexion of the human family at the millennium "will not be white or black, but brown or colored," we certainly believe that the African-tinted members of our community will in the future gradually bleach out their blackness. The facts of to-day prove this beyond denial. Already three-fourths of the colored people of the United States have white blood in their veins. The two bloods have been gradually intermingling ever since there were whites and blacks among our population. This intermingling will continue. Under slavery, it has been forced and frequent. Under freedom it will be voluntary and infrequent. But by-and-by—counting the years not by Presidential campaigns, but by centuries—the negro of the South, growing paler with every generation, will at last completely hide his face under the snow."

Dr. Cheever's paper, "The Principia," accepting the theory of the pamphlet, and commending its earnest thought, said that it needed not a tithe of it to prove that God has made of one blood all nations of men, endowed them with equal rights, and that they are entitled to all the civil and political prerogatives and privileges of other citizens.

The "Tribune" of the 16th of March, 1864, urged the intelligent discussion of the subject, and accepting the "one blood" theory, drew the conclusion,

"That, under the Constitution in its most liberal interpretation, and admitting our cherished American doctrine of equal human rights, if a white man pleases to marry a black woman, the mere fact that she is black gives no one a right to interfere to prevent or set aside such marriage. We do not say that such union would be wise, but we do distinctly assert that society has nothing to do with the wisdom of matches, and that we shall have to the end of the chapter a great many foolish ones which laws are powerless to prevent. We do not say that such matches would be moral; but we do declare that they would be infinitely more so than the promiscuous concubinage which has so long shamelessly prevailed upon the Southern plantations. If a man can so far conquer his repugnance to a black woman as to make her the mother of his children, we ask, in the name of the divine law and of decency, why he should not marry her?"

Another remarkable phase of this discussion was the queries propounded by Robert Dale Owen, Dr. S. G. Howe, and Col. McKaye, Commissioners on the Freedman, as to the capacity and condition of the mulatto, his offspring, and their tendency to bodily and mental decay. "The Anglo-African" of the 20th February, 1864, retorted very pungently upon these querists, and informed them that as the two publishers and one editor of "The Anglo-African" had had born to them in lawful wedlock no less than twenty-nine children, of whom twenty are now living—some married and budding—they could not help regarding the queries as in a measure personal and impertinent.



In its issue of the next week, these publishers and editor—so blessed in their sweet domestic fecundity—took up the speech which follows, and the reference in it made to themselves. They explained what was otherwise obscure; and added a very clever though illogical *jeu d'esprit*, which is quoted below as an encouraging sample of African wit. It is agreeable to find such exhibitions. They do much to reconcile us to the belief that if negro suffrage shall ever be accomplished, we shall have, now and then, a very sprightly suffragan of the miscegen stamp. The article is as follows:

"What we mean by complementary is this: a perfect man, or race, is made of a variety of characteristics or races; wanting any of these characteristics he falls short in so far of perfection. These characteristics, or several of them, are therefore complementary to the perfection of the individual or the race. Hence, two races, holding nearly the same characteristics, can make little if any improvement on either. The Indian and Spanish races, especially in Mexico, have strong physical and intellectual resemblances; hence, they are not complementary of each other. The Negro and the Arian (generally called Caucasian) races have opposite and complementary characteristics, physically and mentally, or more properly, psychically; hence they are likely, by their admixture, to produce a more perfect race than either are separately. We may add, it is a dim perception of this great truth, which has instituted the 'Curious Inquiry' mentioned in another column of this paper, and which frightens such pure white men as Hon. S. S. Cox, of Ohio. To take an illustration nearer home. Our country, to-day, needs patriots. It will be generally admitted that any 'cross' between Hon. S. S. Cox and Vallandigham would fail to produce a patriot, for the simple and obvious reason that in both the blood runs the other way. But, per contra, if we should get up a 'cross' between Hon. S. S. Cox and Capt. Robert Small, the result would be an average miscegen and a superior patriot."

It is, however, a little humiliating to think that so many shining lights like the editor of "The Anglo-African," should never have suspected the peculiar character of the pamphlet. To the speech:

Mr. Cox said: Mr. Speaker, I did not rise for the purpose of discussing this measure, only to have it referred for discussion. I shall only call attention to its general features. The member who introduced it [Mr. ELIOT] recalled to our minds the fact that we opposed the confiscation bill for its inhumanity. He hoped that humane considerations would prevail as to this bill. I wish that he had set a better example, by his voice and vote upon the other measure. This bill is founded in part on the confiscation system. If that were inhuman, then this is its aggravation. The former takes the lands which are abandoned by loyal or disloyal whites, under the pressure of war; while the present bill turns these abandoned lands over to the blacks. But motives of humanity, however pure, are not the motives which should prompt legislation altogether. I only refer to the confiscation part of the measure to show how comprehensive and all-reaching is this scheme. The industrious gentleman from Massachusetts [Mr. ELIOT] states that he is the author of the confiscation bill, of which this bill is the sequel.

Mr. ELIOT. I did not say that I was the author of the confiscation bill. I said that I reported it from the Select Committee that had that matter in charge.

Mr. Cox. The gentleman's modesty will not permit him to claim the

credit of it. I rather think that all of these measures spring from the fertile brain of the Solicitor of the War Office [Mr. WHITING]. He is the reservoir of all the Republican heresy and legislation proposed in this House; though he is often confounded, I think, with Divine Providence, to whom gentlemen are erroneously in the habit of attributing these abolition measures.

But to return to the member from Massachusetts. The effect of former legislation has been, in his opinion, to bring under the control of the Government large multitudes of freedmen who "had ceased to be slaves, but had not learned how to be free." To care for these multitudes he presents this bill, which, if not crude and undigested, yet is sweeping and revolutionary. It begins a policy for this Federal Government of limited and express powers, so latitudinarian that the whole system is changed. If the acts of confiscation and the proclamations, on which this measure is founded, be usurpations, how can we who have denounced them favor a measure like this? According to Mr. Whiting, this system, to be complete, must include in its provisions all the abandoned lands, all lands forfeited for taxes, all confiscated lands, all derelict personalty, all colored men free before the war in rebellious districts, and all fugitives thereto from loyal States, all legal proceedings of confiscation, all migrations of blacks to and from rebel States, all laws compensating masters for slaves, and all other matters relating to the colored people, whether bond or free. This is a new system. It opens a vast opportunity for corruption and abuse. It may be inaugurated in the name of humanity; but I doubt, sir, if any Government, much less our Government of delegated powers, will ever succeed in the philanthropic line of business such as is contemplated by this bill.

The gentleman from Massachusetts appeals to us to forget the past, not to inquire how these poor people have become free, whether by law or by usurpation, but to look the great fact in the face "that three million slaves have become and are becoming free." Before I come to that great fact, let me first look to the Constitution. My oath to that is the highest humanity. By preserving the Constitution amidst the rack of war, in any vital part, we are saving for a better time something of those liberties, State and personal, which have given so much happiness for over seventy years to so many millions; and which, under a favorable Administration, might again restore contentment to our afflicted people. Hence the highest humanity is in building strong the ramparts of constitutional restraint against such radical usurpations as is proposed to be inaugurated by measures kindred to this before the House. If the gentleman can show us warrant in the Constitution to establish this eleemosynary system for the blacks, and for making the Government a plantation speculator and overseer, and the Treasury a fund for the negro, I will then consider the charitable light in which he has commended his bill to our sympathies. It does not follow that because (as General Butler once said) there were as many poor in proportion to the people in the poorhouses of Massachusetts who were killed outright by bad treatment as were killed at the battle of Solferino in proportion to those engaged, that we are to interfere by Federal legislation for the victims of Massachusetts inhumanity. I would love to do something for the poor blacks who have been thrown houseless,

clothesless, foodless, medicineless, and friendless on the cold world by the improvident and barbarous philanthropy now in vogue; but when my constituents ask me for my warrant thus to tax them, I wish to be able to point it out. If you can so frame your bill as to draw no money from the Treasury, and make your scheme self-supporting; or if you can so perfect the system as to connect it legally with the military without degrading the army, and still discipline and care for the unfortunate blacks, male and female, old and young, strong and weak, then we may consider its propriety and legality with a view to aid its passage.

We cannot and do not desire to ignore the fact that incalculable misery has been and will be the fate of the freed negroes; but it is another and a difficult problem to reconcile the aid they require from the benevolent with our oaths and well-matured judgments as to the province of the Federal Government over matters like this. The gentleman refers us for the constitutionality of this measure to the war power, the same power by which he justifies the emancipation proclamation and similar measures. We upon this side are thoroughly convinced of the utter sophistry of such reasoning. If the proclamation be unconstitutional, how can this or any measure based on it be valid? The gentleman says, "If the President had the power to free the slave, does it not imply the power to take care of him when freed?" Yes, no doubt. If he had any power under the war power, he has all power. He is so utterly irresponsible that even Congress cannot share his monarchical despotism. Under the war power he is a tyrant without a clinch on his revolutions. He can spin in any orbit he likes, as far and as long as he pleases. He refers us also to that clause of the Constitution which authorizes Congress "to declare war and make rules concerning captures on land." This latter argument squares with the theory of this war announced by the gentleman from Pennsylvania [Mr. STEVENS], for the authority of Congress to declare war is of course only meant as against foreign nations, and Congress can make all rules concerning captures in *such a war*. But unless the gentlemen on the other side are ready to acknowledge the independence of the South, and recognize them as a separate nation of belligerents, then his argument proves nothing in behalf of this bill, except that he is a theoretical secessionist. The constitutional argument in favor of this bill is one that this side cannot recognize, unless we are prepared to unsay and undo all that we have said and done to protect the Constitution since the abolition measures began to take the form of law.

"But," it is urged, "something must be done for the poor blacks. They are perishing by thousands. We must look the great fact of anti-slavery and its millions of enfranchised victims in the face, and legislate for their relief." Such is the appeal to our kindlier natures. Something *should* be done. The humanity which so long pitied the plumage should not forget the dying bird. But what can be done without violating the Constitution of the United States, or without intrenching upon a domain never granted by the States or the people in their written charter of powers? What can be done? Oh! ye honey-tongued humanitarians of New England, with your coffers filled from the rough hand of Western toil, the beaded sweat of whose industry by the subtle alchemy of your inventive genius is transmuted into the jewels of your parvenu and shoddy splendor,

with your dividends rising higher and higher like waves under this storm of war; I would beseech you to go into the camps of the contrabands, as the gentleman described them, who are starving and pining for their old homes, and lift them out of the mire into which your improvident and premature schemes have dragged them, pour the oil of healing into their wounds, and save a few of them at least from the doom of extirpation. Here is a fitting and legal opportunity for the exercise of a gracious humanity. I rejoice to know that many good men, even from New England, have embraced it.

But the gentleman urges this legislation, because, if it be not passed, the President's proclamation will be made "a living lie." He thinks that "neither the considerate judgment of mankind nor the gracious favor of God can be invoked upon the President's act of freedom, unless the law shall protect the freedom which the sword has declared." Not merely has the President's proclamation been made a *living lie*, but the thousands of corpses daily hurried out of the contraband hovels and tents along the Mississippi prove it to have been a *deadly lie*. Neither the judgment of man nor the favor of God can be invoked without mockery upon a fanatical project so fraught with misery to the weak and with wholesale slaughter to its deluded victims.

But we are warned to look the great fact in the face that millions unfit for freedom are yet to become free. I know, Mr. Speaker, that we cannot change the fact by closing our eyes. It is true. The revolution rolls on. No effort on the part of the Democracy to achieve a peace through conciliation will now be listened to. The spirit of those in power is the spirit of extermination. The war with its revolutions goes on, and slavery as a political if not as a social institution will fall under its crushing car. It may be that all of the four million slaves will be thrown, like the one hundred thousand already freed, upon the frigid charities of the world. But, sir, if slavery be doomed, so, alas! is the slave. No scheme like this bill can save him. The Indian reserves, treaties, bounties, and agencies did not and does not save the red man. No Government farming system, no charitable black scheme, can wash out the color of the negro, change his inferior nature, or save him from his inevitable fate. The irrepressible conflict is not between slavery and freedom, but between black and white; and as De Tocqueville prophesied, the black will perish. Do gentlemen on the other side rely upon the new system, called by the transcendental abolitionists "*Miscegenation*," to save the black? This is but another name for amalgamation; but it will not save the negro. True, Wendell Phillips says it is "God's own method of crushing out the hatred of race, and of civilizing and elevating the world;" and Theodore Tilton, the editor of the "*Independent*" (a paper publishing the laws of the United States by authority), holds that hereafter the "negro will lose his typical blackness and be found clad in white men's skins." But, sir, no system so repugnant to the nature of our race—and to organize which doubtless the next Congress of Progressives, and perhaps the gentleman from Massachusetts, will practically provide—can save the negro.

Mr. ELIOT. I have no doubt that my friend understands all about it.

Mr. COX. I understand all about it, for I have the doctrines laid

down in circulars, pamphlets, and books published by your anti-slavery people. But it was not my intention to discuss it now upon this bill.

Mr. PRICE. If all the blacks are crushed out, how is amalgamation to ruin the country?

Mr. COX. They will all run, according to the new gospel of abolition, into the white people, on that side of the House, I suppose. [Laughter.]

Mr. ELIOT. Is that what the gentleman is afraid of?

Mr. COX. No, sir, for I do not believe that the doctrine of miscegenation, or the amalgamation of the white and black, now strenuously urged by the abolition leaders, will save the negro. It will destroy him utterly. The physiologist will tell the gentleman that the mulatto does not live; he does not recreate his kind; he is a monster. Such hybrid races, by a law of Providence, scarcely survive beyond one generation. I promise the gentleman, at some future and appropriate time, when better prepared to develop that idea of miscegenation as now heralded by the Abolitionists, who are in the van of the Republican movement—

Mr. ELIOT. I hope that the gentleman will go into it.

Mr. COX. If such be the desire of the gentleman I will attempt it, though reluctantly; for my materials, like the doctrine, are a little "mixed."

Mr. GRINNELL rose.

Mr. COX. I cannot yield to the gentleman. I want none of his impertinences in my speech. The other day, when I was speaking, he interrupted me with them without my consent. I do not recognize him as a member to whom I owe the courtesy of my attention. But since I am challenged to exhibit this doctrine of the Abolitionists—called after some Latin words—miscegenation—to *mingle and generate*—I call your attention first to a circular I hold in my hand. It was circulated at the Cooper Institute the other night, when a female who, in the presence of the President, Vice-President, and you, Mr. Speaker, and your associates in this Hall, made the same *satuey* speech for abolition which she addressed to the people of New York. It begins with the following significant quotation from Shakespeare:

"The elements  
So *mized* in him that Nature might stand up  
And say to the world, 'This was a man!'" [Laughter.]

"Miscegenation; the Theory of the Blending of the Races, applied to the American White Man and Negro. Among the subjects treated of are:

"1. The Mixture of Caucasian and African Blood Essential to American Progress. [Laughter.]

"2. How the American may become Comely. [Laughter.]

"3. The Type Man a Miscegen—The Sphinx Riddle Solved.

"4. The Irish and Negro first to Commingle. [Laughter.]

"5. Heart Histories of the Daughters of the South.

"6. Miscegenetic Ideal of Beauty in Woman.

"7. The Future—No White—No Black."

If gentlemen doubt the authenticity of this new movement, let them go to the office of publication, 113 Nassau street, New York, and purchase. The movement is an advance upon the doctrine of the gentlemen opposite, but they will soon work up to it. The more philosophical and apostolic

of the abolition fraternity have fully decided upon the adoption of this amalgamation platform. I am informed that the doctrines are already indorsed by such lights as Parker Pillsbury, Lucretia Mott, Albert Brisbane, William Wells Brown, Dr. McCune Smith (half and half—*miscegen*), Angelina Grimke, Theodore D. Weld and wife, and others. These whom I have named are only carrying out, with more audacity, the doctrines of those who are now honored by the Republican party. I select a Southern and a Northern light. Cassius M. Clay, minister to Russia, has said that

"Our Legislatures, State and Federal, should raise the platform upon which our free colored people stand; they should give to them full political rights to hold office, to vote, to sit on juries, to give their testimony, and to make no distinction between them and ourselves."

Gen. N. P. RANKS, when a member of Congress, gave utterance to the following:

"So far as he had studied the subject of races, he had adopted the idea that when there is a weaker race in existence it will succumb to, and be absorbed in, the stronger race. This was the universal law as regarded the races of men in the world. In regard to the question whether the white or the black race was superior, he proposed to wait until time should develop whether the WHITE RACE SHOULD ABSORB THE BLACK, OR THE BLACK ABSORB THE WHITE."

But even these are inferior lights compared with the advanced guard of this abolition army. When I name Theodore Tilton, an editor of the Government paper in Brooklyn, called the "Independent;" when I recall the fact that the polished apostle of abolition, Wendell Phillips, whose golden-lipped eloquence can make miscegenation as attractive to the ear as it is to the other senses; when I quote from the New York "Tribune," the centre and circumference of the abolition movement, and Mrs. Stowe, whose writings have almost redeemed by their genius the hate and discord which they aided to create; when I shall have done all this, I am sure the Progressives on the other side will begin to prick up their ears and study the new science of miscegenation with a view to its practical realization by a bureau. [Laughter.]

First hear the testimony of Wendell Phillips. He says:

"Now, I am going to say something that I know will make the New York 'Herald' use its small capitals and notes of admiration, and yet no well-informed man this side of China but believes it in the very core of his heart. That is, 'amalgamation,' a word that the Northern apologist for slavery has always used so glibly, but which you never heard from a Southerner. Amalgamation! Remember this, the youngest of you, that on the 4th day of July, 1863, you heard a man say that in the light of all history, in virtue of every page he ever read, he was an amalgamationist to the utmost extent. I have no hope for the future, as this country has no past, and Europe has no past, but in that sublime mingling of races which is God's own method of civilizing and elevating the world. God, by the events of His providence, is crushing out the hatred of race which has crippled this country until to-day."

I put it to gentlemen on the other side. Are you responsible for him? Ah! you received him, how ardently, in this city and Capitol last year.

Mr. ELIOT. To whom does the gentleman refer?

Mr. COX. Wendell Phillips. The Senate doors flew open for him; the Vice-President of the United States welcomed him; Senators flocked around him; Representatives cheered his disunion utterances at the Smith-

sonian; and you will follow him wherever he leads. He is a practical amalgamationist, and he is leading and will lead you up to the platform on which you will finally stand. You may seem coy and reluctant now, but so you were about the political equality of the negro a year ago; so you were about abolishing slavery in the States two years ago. Now you are in the millennial glory of abolition. So it will be hereafter with amalgamation! Here is what Theodore Tilton, editor of the "Independent," says in the circular to which I have referred:

"Have you not seen with your own eyes—no man can have escaped it—that the black race in this country is losing its typical blackness? The Indian is dying out; the negro is only changing color! Men who, by and by, shall ask for the Indians, will be pointed to their graves: 'There lie their ashes!' Men who, by and by, shall ask for the negroes, will be told, 'There they go, clad in white men's skins.' A hundred years ago a mulatto was a curiosity; now the mulattoes are half a million. You can yourself predict the future!"

Mr. ELIOT. The gentleman will permit me to say, that surely all this was under a state of slavery.

Mr. COX. I will show the gentleman directly that his friends and leaders propose to continue it in a state of freedom. It will be the freest kind of license.

Mr. ELIOT. The gentleman will allow me to suggest whether the difficulty he labors under is not that the Democratic party is afraid the Republicans will get ahead of them.

Mr. COX. I am not afraid of any thing of the kind while white people remain upon which we can centre our affections and philanthropy. You can take the whole monopoly of "miscegenation." We abhor and detest it. The circular referred to has other indorsements, which I quote before I reach that Warwick of Republicanism, Horace Greeley. The "Anti-Slavery Standard" of January 30 says:

"This pamphlet comes directly and fearlessly to the advocacy of an idea of which the American people are more afraid than of any other. Assuredly God's laws will fulfil and vindicate themselves. It is in the highest degree improbable that He has placed a natural repugnance between any two families of His children. If He has done so, that decree will execute itself, and these two will never seek intimate companionship together. If, on the contrary, He has made no such barrier, no such one is needful or desirable, and every attempt to restrain these parties from exercising their natural choice is in contravention of His will, and is an unjust exercise of power. The future must decide how far black and white are disposed to seek each other in marriage. The probability is that there will be a progressive intermingling, and that the nation will be benefited by it."

I hold in my hand the "Anglo-African," of January 23, which discusses this subject from the purely African stand-point:

"The author of the pamphlet before us advances beyond these lights of the days gone by. What they deemed a remote and undesirable probability, he regards as a present and pressing necessity; what they deemed to be an evil to be legislated against, he regards as a blessing which should be hastened by all the legislative and political organizations in the land! The word—nay, the deed—miscegenation, the same in substance with the word amalgamation, the terror of our abolition friends twenty years ago, and of many of them to-day—miscegenation, which means intermarriages between whites and blacks—'miscegenation,' which means the absolute practical brotherhood or social intermingling of blacks and whites, he would have inscribed on the banner of the Republican party, and held up as the watchword of the next Presidential platform. We take a deep interest in the doctrine shadowed forth, that to improve a given race of men it is too late to begin with infant and Sunday schooling; at birth they have the bent of their parents, which we may slightly alter but cannot radically change. The education and improvement should begin

with the marriage of parties who, instead of strong resemblances, should have contrasts which are complementary each of the other. It is disgraceful to our modern civilization that we have societies for improving the breed of sheep, horses, and pigs, while the human race is left to grow up without scientific culture."

The editor of the "Anglo-African" confesses that he is a little staggered in his theories by what he calls the evident deterioration of the mixed bloods of Central America, but he finds the solution of the difficulty in the fact that the races there mixed, Indian and Spanish, are not complementary of each other. This, to my observation, Mr. Speaker, is as absurd as it is untrue. But I am not now arguing the reasonableness of this doctrine of mixed races. I only propose to show what it is, and whither it is tending.

The New York "Tribune," the great organ of the dominant party, is not so frank as the "Anglo-African," but its exposition of "miscegenation" is one of the signs which point to the Republican solution of our African troubles by the amalgamation of the races. In indorsing the doctrine of the pamphlet, Mr. Greeley holds that—

"No statesman in his senses cares to put morsels of cuticle under a microscope before he determines upon the prudence of a particular policy. *Diversity of race is the condition precedent in America, and their assimilation is the problem.* High skulls, broad skulls, long skulls, black hair, red hair, yellow hair, copper skins or olive skins, Caucasians, Ethiopians, Mongolians, Americans, Malays, with oval pelvis, round pelvis, square pelvis, or oblong pelvis, we have or may have them all in our population; and our business is to accommodate all by subjecting merely material differences to the ameliorating influence of an honest and unlimited recognition of one common nature."

To "assimilate these various races" is the problem which Mr. Greeley approaches. We cannot but admire the delicate phraseology in which his approaches are couched. Not so the pamphlet to which I referred. It is bold and outspoken. It advocates a preference of the black over the white as partners. The following are the points inculcated by its author:

"1. Since the whole human race is of one family, there should be in a republic no distinction in political or social rights on account of color, race, or nativity.

"2. The doctrine of human brotherhood implies the right of white and black to intermarry.

"3. The solution of the negro problem will not be reached in this country until public opinion sanctions a union of the two races.

"4. As the negro is here, and cannot be driven out, there should be no impediment to the absorption of one race in the other.

"5. Legitimate unions between whites and blacks could not possibly have any worse effect than the illegitimate unions which have been going on more than a century at the South.

"6. The mingling of diverse races is proved by all history to have been a positive benefit to the progeny.

"7. The Southern rebellion is caused less by slavery than by the base prejudice resulting from distinction of color; and perfect peace can come only by a cessation of that distinction through an absorption of the black race by the white.

"8. It is the duty of anti-slavery men everywhere to advocate the mingling of the two races.

"9. The next Presidential election should secure to the blacks all their social and political rights; and the progressive party should not flinch from conclusions fairly deducible from their own principles.

"10. In the millennial future the highest type of manhood will not be white or black, but brown; and the union of black with white in marriage will help the human family the sooner to realize its great destiny."



The author finds an emblem of his success in the blending of many to make the one new race, in the crowning of the dome above this Capitol with the *bronze statue* of Liberty! It is neither black nor white, but the intermediate miscegen, typifying the exquisite composite race which is to arise out of this war for abolition, and whose destiny it is to rule the continent! Well might the correspondent of the New York "Tribune," in describing the lifting of the uncouth masses, and bolting them together joint by joint, till they *blended* into the majestic "Freedom" which lifts her head in the blue sky above us, regard the scene as prophetic of the time when the reconstructed symbol of freedom in America shall be a colored goddess of liberty! But to the pamphlet itself. Here we have it. This new evangel for the redemption of the black and white, upon its introductory page begins as follows:

"The word is spoken at last. It is miscegenation—the blending of the various races of men—the *practical* recognition of the brotherhood of all the children of the common Father." [Laughter.]

Just what our miscegenetic Chaplain prays for here almost every morning; and you all voted for him, even some of my friends from the border States. The "Introduction" proceeds:

"While the sublime inspiration of Christianity has taught this doctrine, Christians so-called have ignored it in denying social equality to the colored man; while democracy is founded upon the idea that all men are equal, Democrats have shrunk from the logic of their own creed and refused to fraternize with the people of all nations; while science has demonstrated that the intermarriage of diverse races is indispensable to a progressive humanity, its votaries, in this country at least, have never had the courage to apply that rule to the relations of the white and colored races. But Christianity, democracy, and science are stronger than the timidity, prejudice, and pride of short-sighted men, and they teach that a people, to become great, must be composite. This involves what is vulgarly known as amalgamation" [laughter], "and those who dread that name, and the thought and fact it implies, are warned against reading these pages."

There are some remarkable things thrown out in this pamphlet, which should be examined by gentlemen upon the other side. The author discusses the effect of temperature on color. Quoting from a German naturalist, he holds—

"That the true skin is perfectly white; that over it is placed another membrane, called the reticular tissue, and that this is the membrane that is black; and, finally, that it is covered by a third membrane, the scarf skin, which has been compared to a fine varnish lightly extended over the colored membrane, and designed to protect it. Examine also this piece of skin belonging to a very fair person. You perceive over the true white skin a membrane of a slightly brownish tint, and over that again, but quite distinct from it, a transparent membrane. In other words, it clearly appears that the whites and the copper-colored have a colored membrane which is placed under the scarf skin and immediately above the true skin, just as it is in the negro. *The infant negroes are born white, or rather reddish, like those of other people*" [laughter], "*but in two or three days the color begins to change; they speedily become copper-colored*" [laughter], "*and by the seventh or eighth day, though never exposed to the sun, they appear quite black.*" [Laughter.] "He mentions that it is known that negroes in some instances are born quite white or are true Albinos; sometimes, after being black for many years, they become piebald, or wholly white, without their general health suffering under the change. He also mentions another metamorphosis, which would not be agreeable to the prejudices of many among us; it is that of the white becoming piebald with black as deep as ebony."

That is an argument to show that we all, black and white, start off in

the race of life nearly of the same color, and that we ought to come to it again by the processes of—miscegenation!

The author, in his second chapter, devotes many pages to considering the superiority of mixed races. Without combating his facts or deductions, let me quote this grand conclusion:

"Whatever of power and vitality there is in the American race is derived, not from its Anglo-Saxon progenitors, but from all the different nationalities which go to make up this people. All that is needed to make us the finest race on earth is to ingraft upon our stock the negro element which Providence has placed by our side on this continent." [Laughter.] "Of all the rich treasures of blood vouchsafed to us, that of the negro is the most precious" [laughter], "because it is the most unlike any other that enters into the composition of our national life." [Laughter.]

"It is clear that no race can long endure without a commingling of its blood with that of other races. The condition of all human progress is miscegenation." [Laughter.] "The Anglo-Saxon should learn this in time for his own salvation. If we will not heed the demands of justice, let us at least respect the law of self-preservation. Providence has kindly placed on the American soil, for His own wise purposes, four million colored people. They are our brothers, our sisters." [Laughter.] "By mingling with them we become powerful, prosperous, and progressive; by refusing to do so we become feeble, unhealthy, narrow-minded, unfit for the nobler offices of freedom, and certain of early decay." [Laughter.]

I call the especial attention of my friend from Massachusetts [Mr. ELIOT] to these points, with a view to their incorporation in his bureau for freedmen and freedwomen. All your efforts will be vain, and you will not be able to maintain a healthy vitality, if you do not mix your whites very freely with your black beneficiaries. The writer gives us his theory of the war. Although the war has not quite reached the miscegenetic point yet, it progresses visibly. After showing how other wars have blended the various bloods of the world, he says:

"It will be our noble prerogative to set the example of this rich blending of blood. It is idle to maintain that this present war is not a war for the negro. It is a war for the negro. Not simply for his personal rights or his physical freedom; it is a war, if you please, of amalgamation, so called—a war looking, as its final fruit, to the blending of the white and black. All attempts to end it without a recognition of the political, civil, and social rights of the negro will only lead to still bloodier battles in the future. Let us be wise and look to the end. Let the war go on until the pride of caste is done away. Let it go on until church, and State, and society recognize not only the propriety but the necessity of the fusion of the white and black" [laughter]; "in short, until the great truth shall be declared in our public documents and announced in the messages of our Presidents, that it is desirable the white man should marry the black woman and the white woman the black man—that the race should become melaleuketic before it becomes miscegenetic." [Great laughter.]

This is the language of scientific progress, soon to become familiar to the gentlemen on the other side. The author proceeds:

"The next step will be the opening of California to the teeming millions of Eastern Asia. The patience, the industry, the ingenuity, the organizing power, the skill in the mechanic arts which characterize the Japanese and Chinese must be transplanted to our soil, not merely by the emigration of the inhabitants of those nations, but by their incorporation with the composite race which will hereafter rule this continent. It must be remembered that the Indians whom we have displaced were copper-colored; and no other complexion, physiologists affirm, can exist permanently in America. The white race which settled in New England will be unable to maintain its vitality as a blonde people. The darker shades of color live and thrive, and the consumption so prevalent in our Eastern States is mainly confined to the yellow-haired and thin-blooded blondes."

What a sad picture this for our New England friends! Oh, ye yel-

low-haired and thin-blooded Yankees! Mingle! mingle! mingle while ye may! It is the sure cure for your asthmas and consumptions. Still speaking of these thin-blooded New Englanders, he says:

"They need the intermingling of the rich tropic temperament of the negro to give warmth and fulness to their natures." [Laughter.] "They feel the yearning, and do not know how to interpret it." [Laughter.] "The physician tells them they must travel to a warmer climate. They recognize in this a glimpse of the want they feel, though they are hopeless of its efficacy to fully restore the lost vitality. Still they feel the nameless longing."

"Yet waft me from the harbor mouth,  
Wild wind! I seek a warmer sky,  
And I will see before I die  
The palms and temples of the South."

"It is only by the infusion into their very system of the vital forces of a tropic race that they may regain health and strength. We must accept the facts of nature. We must become a yellow-skinned, black-haired people—in fine, we must become miscegenists if we would attain the fullest results of civilization." [Laughter.]

This enthusiastic theorist then shows that all religions are derived from the dark races. He calls to us from the tombs of Egypt, and solves the Sphinx riddle of our national destiny. That solution is this: that "if we would fill our proper places in nature, we must mingle our blood with all the children of the common father of humanity." Thus and thus only can we hope for redemption by a pure religion. The cold skepticism of the Caucasian will then be expunged in the more genial faith which miscegenation will produce. Hear him:

"May we not hope that in the happier hereafter of this continent, when the Mongolian from China and Japan, and the negro from his own Africa, shall have blent their more emotional natures with ours, that here may be witnessed at once the most perfect religion as well as the most perfect type of mankind the world has yet seen? Let us then embrace our black brother" [laughter]; "let us give him the intellect, the energy, the nervous endurance of the cold North which he needs, and let us take from him his emotional power, his love of the spiritual, his delight in the wonders which we understand only through faith. In the beautiful words of Emerson:

"He has the avenues of God  
Hid from man of northern brain,  
Far beholding, without cloud,  
What these with slowest steps attain."

The writer then goes on to show what this miscegen will become physiologically. He will be the realization of the ideal, not of the white or of the black race, but the perfect ideal of the blended races! The artist is called in to adorn by the rarest touches of the facile pencil this production of advanced abolitionism:

"The ideal or type of man of the future will blend in himself all that is passionate and emotional in the darker races, all that is imaginative and spiritual in the Asiatic races, and all that is intellectual and perceptive in the white races. He will also be composite as regards color. The purest miscegen will be brown, with reddish cheeks, curly and waving hair, dark eyes, and a fulness and suppleness of form not now dreamed of by any individual people. Adam, the progenitor of the race, as his very name signifies, was made of red earth; and, like the inhabitants of Syria and Mesopotamia, must have been of a tawny or yellow color. The extreme white and black are departures from the original type. The Saviour is represented very falsely in paintings as being light-haired and white-skinned, when, in truth, he must have been a man of very dark complexion, as were all the Palestine Jews. They were a tawny or yellow race. The fact has been noticed, that

the Amharic, the language of the Abyssinian, is remarkably analogous to the Hebrew, rendering it probable that the Jews were partly of Abyssinian or negro origin."

The writer makes the same mistake which others have made in confounding the Abyssinian with our Congo negro. They are utterly unlike in form and feature, as well as in mind and character. The author's eloquence is better than his science; for with what enthusiasm does he close his appeal to the members of the abolition party:

"We urge upon white men and women no longer to glory in their color; it is no evidence of cultivation or of purity of blood. Adam and Christ, the type men of the world's great eras, were red or yellow, and to men of this color, above all others, must be communicated the higher inspirations which involve great spiritual truths, and which bring individuals of the human family into direct communion with supernatural agencies."

These theories, which seem so novel to us, have been a part of the gospel of abolition for years. The celebrated authoress of *Uncle Tom's Cabin* has made a pen-portrait of a miscegenetic woman and man in her novel called *Dred*. She makes them the central figures in her graphic scenes of Southern life. Harry, the quadroon overseer, and Lisette, his wife, are described as of that "mixed blood which seems so peculiarly fitted to appreciate all the finer aspects of conventional life." Harry's power was such, owing to the constitution inherited from his father, tempered by the soft and genial temperament of the beautiful Ebœe mulattress who was his mother, that, through fear or friendship, upon the plantation there was universal subordination to him. Lisette is described as a delicate, airy little creature, formed by a mixture of the African and French blood, producing one of those fanciful, exotic combinations that give the same impression of brilliancy and richness that one receives from tropical insects and flowers! Her eyes have the hazy, dreamy languor which is so characteristic of the mixed races. With such sensuous portraiture as his original, the author I am considering finds all the characteristics of perfect ideal beauty in the—negro girl! He copies them with fidelity, if he does not surpass the original. I call the attention of gentlemen upon the other side to this remarkable picture, for they will find its living counterpart only in the crazed brains of their fanatic supporters:

"In what does beauty consist? In richness and brightness of color, and in gracefulness of curve and outline. What does the Anglo-Saxon, who assumes that his race monopolizes the beauty of the earth, look for in a lovely woman? Her cheeks must be rounded and have a tint of the sun, her lips must be pouting, her teeth white and regular, her eyes large and bright; her hair must curl about her head, or descend in crinkling waves; she must be merry, gay, full of poetry and sentiment, fond of song, childlike, and artless. But all these characteristics belong, in a somewhat exaggerated degree, to the negro girl. What color is beautiful in the human face? It is the blank white. In painting, the artist has never portrayed so perfect a woman to the fancy as when, choosing his subject from some other than the Caucasian race, he has been able to introduce the marvellous charm of the combination of colors in her face. Not alone to the white face, even when tinted with mantling blood, is the fascination of female loveliness imputed. The author may state—and the same experience can be witnessed to by thousands—that the most beautiful girl in form, feature, and every attribute of feminine loveliness he ever saw was a mulatto. By crossing and improvement of different varieties, the strawberry, or other garden fruit, is brought nearest to perfection, in sweetness, size, and fruitfulness. This was a ripe and complete woman, possessing the best elements of two sources of parentage. Her complexion was warm and dark, and golden with the heat of tropical suns, lips full and luscious, cheeks perfectly moulded and tinged with deep crimson, hair curling, and

" 'Whose glossy black  
To shame might bring  
The plumage of the raven's wing.' "

This pamphleteer is a thorough philosopher. He holds that the slaveholders South are a superior race, owing to their intimate communication from birth to death with the colored race. Their emotional power, fervid oratory, and intensity of thought and will, are attributed to this association. Their ability to cope with the North in battle is found to consist in the fact that the presence of Africans in their midst in large numbers infuses into the air a sort of barbaric malaria; a miasm of fierceness, which after long intercourse between the races comes to infect the white men and even the women also! I would fail in my promise to elucidate this new creed of abolition, did I not call attention to the argument which the writer draws from the fact that contraries like each other, and that the blonde incontinently falls in love with the black! From this principle of æsthetics or lust the author deduces his highest type of beauty. From this source of opposite yet mingling emotions he thinks that civilization will be enhanced and glorified! I give his deductions as well for their novelty as for his felicity in choosing the names by which he illustrates them. Let me again quote;

"Such of our readers as have attended anti-slavery meetings will have observed the large proportion of blondes in the assemblage. This peculiarity is also noticeable in the leading speakers and agitators in the great anti-slavery party. Mr. Horace Greeley, of the New York 'Tribune,' known for his devotion to the negro race, is as opposite as a man possibly can be to the people to whom he has shown his attachment by long and earnest labor for their welfare. In color, complexion, structure, mental habits, peculiarities of all kinds, they are as far apart as the poles. The same is true of Mr. Wendell Phillips. He, too, is the very opposite of the negro. His complexion is reddish and sanguine; his hair, in younger days, was light; he is, in short, one of the sharpest possible contrasts to the pure negro. Mr. Theodore Tilton, the eloquent young editor of the 'Independent,' who has already achieved immortality by advocating enthusiastically the doctrine of miscegenation" [laughter], "is a very pure specimen of the blonde, and when a young man was noted for his angelic type of feature" [laughter]—"we mean angelic after the type of Raphael, which is not the true angelic feature, because the perfect type of the future will be that of the blended race, with the sunny hues of the South tinging the colorless complexion of the icy North. But it is needless further to particularize. The sympathy Mr. Greeley, Mr. Phillips, and Mr. Tilton feel for the negro is the love which the blonde bear for the black: it is a love of race, a sympathy stronger to them than the love they bear to woman. It is founded upon natural law. We love our opposites. Nor is it alone true that the blonde love the black. The black also love their opposites. Said Frederick Douglass, a noble specimen of the melaleuketic American" [laughter], "in one of his speeches: 'We love the white man, and will remain with him. We like him too well to leave him, but we must possess with him the rights of freedom.' Our police courts give painful evidence that the passion of the colored race for the white is often so uncontrollable as to overcome the terror of the law. It has been so, too, upon the Southern plantations. The only remedy for this is legitimate melaleuketic marriage." [Laughter.]

The revelations at Hilton Head and along the Carolina coast might have been added to the illustrations above to show the irrepressible affection between white women and black men and black women and white men. But on that—I forbear.

Sir, I cannot pursue this style of remark further. The contemplation of such disgusting theories is not pleasant. I have been challenged to go into it by my friend from Massachusetts. This is my apology. The gentlemen on the other side may be unconscious of the path they are trav-

elling under the lead of these amalgamationists. But they must follow. They may protest, but we know that they will yield, for they have ever yielded to their extreme men. As this very writer himself truly says (p. 58) :

“As the war has progressed, men's minds have been opened more and more to the true cause of our country's difficulties. Human nature is imperfect ; it can ordinarily take in only half or quarter truths. It was a great step in the advance when the country willingly accepted the truth that all men should be free. But it might not have been seen by many that further along in the path of progress we should recognize the great doctrine of human brotherhood, and that human brotherhood comprehended not merely the personal freedom, but the acknowledgment of the political and social rights of the negro, and the provision for his entrance into those family relations which form the dearest and strongest ties that bind humanity together. Once place the races upon a footing of perfect equality, and these results will surely follow.

“Let it be understood, then, that equality before the law, for the negro, secures to him freedom, privilege to secure property and public position, and, above all, carries with it the *ultimate fusion of the negro and white races*. When this shall be accomplished by the inevitable influences of time, all the troubles that loom up now in the future of our country will have passed away. It is the true solution of our difficulties, and he is blind who does not see it. The President of the United States, fortunately for the country, has made a great advance in the right direction. His first thought in connection with the enfranchisement of the slaves was to send them from the country. He discovered, first, that this was physically impossible, and, second, that the labor alone which would be lost to America and the world would amount in value to more than the debts of all the nations of the earth. The negro is rooted on this continent ; we cannot remove him ; we must not hold him in bondage. The wisest course is to give him his rights, and let him alone ; and by the certain influence of our institutions he will become a component element of the American man.”

Gentlemen of the other side have here laid down for them the shining pathway that will lead them out of the troubles with which their ill-judged emancipation schemes have environed them. Whether they will follow it, time will show. Events will show whether the American people will not have a thorough and honest white man's disgust for all these African policies, culminating, as they must, in amalgamation, so as in time to reverse the wheel of revolution, and thus save both races—the one from continued slaughter, and the other from eventual and certain extermination. I have quoted these extracts to show that there is a doctrine now being advertised and urged by the leading lights of the Abolition party, toward which the Republican party will and must advance. See how they have advanced for the last two or three years ! They used to deny, whenever it was charged, that they favored black citizenship ; yet now they are favoring free black suffrage in the District of Columbia, and will favor it wherever in the South they need it for their purposes. The Attorney-General of the United States has declared the African to be an American citizen. The Secretary of State grants him a passport as such. The President of the United States calls him an American citizen of African descent. The Senate of the United States is discussing African equality in street cars. We have the negro at every moment and in every bill in Congress. All these things, in connection with the African policies of confiscation and emancipation in their various shapes for the past three years, culminating in this grand plunder scheme of a department for freedmen, ought to convince us that that party is moving steadily forward to

perfect social equality of black and white, and can only end in this detestable doctrine of—Miscegenation!

Gentlemen may deny that this is the tendency of their party. They used to deny that they favored the doctrine of the political equality of black and white, which was once charged upon them, and which they are now so boldly consummating. The truth will appear. After a year or two some member from New England will come here recognizing the great fact that four million blacks are mixing more or less, and ought to mix more, with the whites of the country, and will advocate a bureau of another kind—a department for the hybrids who are cast upon the care of the Government by this system of miscegenation.

Mr. Speaker, since I have been upon the floor, the gentleman from Massachusetts more than hinted that the Democracy might desire to compete with his party in this new scheme of miscegenation. Not at all, sir. Our prejudices are strong, but they are in favor of our own color. We have, in times past, affiliated with the Democracy South, but I do not understand that the Democratic party North is responsible for what the Democratic party South did since or when they separated from us, or since and when they divided our party and helped you to divide the Union. The Democratic party of the North never was a pro-slavery party, as has been libellously charged. [Laughter on the Republican side.] Oh, I know you laugh, gentlemen, at that; but your laugh is “like the crackling of thorns under a pot.” The Scripture tells you what kind of laughter that is. It would be unparliamentary to characterize it further. I repeat it, the Democracy North never was a pro-slavery party. I know the contrary has been reiterated by the crew who have floated on the summer current of Northern prejudice, until many good people believe it. A grosser falsehood was never uttered. Even Horace Greeley is ashamed any more to repeat it. He stated the other day our position correctly, when he said that “northern Democracy is not really pro-slavery, but anti-intervention; maintaining, not that slavery is right, but that we of the free States should mind our own business and let alone other people’s.” Our platforms are but the repetition of this idea of non-interference. Beginning with 1840 and ending with 1860, we resolved—

“That Congress has no power, under the Constitution, to interfere with or control the domestic institutions of the several States; and that such States are the sole and proper judges of every thing pertaining to their own affairs, not prohibited by the Constitution; that all efforts by abolitionists or others made to induce Congress to interfere with questions of slavery, or to take incipient steps in relation thereto, are calculated to lead to the most alarming and dangerous consequences, and that all such efforts have an inevitable tendency to diminish the happiness of the people, and endanger the stability and permanency of the Union, and ought not to be countenanced by any friend to our political institutions.”

The Democracy ever favored local sovereignty as to slavery and every other domestic matter. They would have extended that sovereignty, and not slavery, from the States to the Territories. On that question of extension, of non-intervention, the Democracy North and South unhappily divided. The consequences are upon us.

I accept events as they transpire. Not responsible for them, yet not unobservant of them, I call the attention of the House to the bold strides

which have been made since we last met, by fraud and force; to crush out the institution of slavery. I need not point you to the black recruiting system in Maryland and Missouri. I need not rehearse the orders of generals and subordinates, all working to this end, regardless of the rights of property or local sovereignty. Slavery hangs precariously by a hair, in Tennessee, Arkansas, Louisiana, Maryland, Missouri, and Florida. Even in old Kentucky, where her loyal people cared less for it and more for their State right over it, anti-slavery is at work. Wherever in our lines slavery yet exists, it is comparatively free and altogether profitless. It works at its own will, and not at the will of the master. Outside of our lines—within the Gulf States—slaves once worth \$2,000 are now only worth their \$100 in gold; and this depreciation will go on if our armies continue to penetrate the South. If it thus go on, where will it end? In the grave of the slave! Read the accounts of mortality among the blacks, especially those in the military. Each camp is a hospital. The deserted families perish by their removal from their homes, by vice and starvation. We of this side have no power to stop it. The war keeps it going. For this condition of the negro let the Abolition party and its savage counterpart South answer to God and the country. To the horrors and calamities of the whites growing out of this war are to be added the miseries and destruction of the blacks; and this indictment of high crime will not be found against the northern Democracy, but against its revilers North, who divided our Union, and its enemies South, who divided our party.

In the forthcoming election for Chief Magistrate you will find the Democracy making no issue about slavery. If it is dying or dead, as you allege, you will find them striving their utmost to preserve what they can of local and personal liberty out of the chaos of this conflict. We have been the champions of local and State liberty, not because slavery was guaranteed by it. No, sir. We have not championed slavery. We never placed it in our northern constitutions. I would fain have seen slavery die, if die it must, by the unforced action of the States, as it has died in the now free States, and not by the rough usages of war, which destroys the slave with slavery; not by usurpations upon the rights of the States and the people, which destroy both freedom and slavery and slave, but by the sovereign intelligence of the people of the States, who alone are responsible for the existence of their own domestic institutions. I am not insensible to the signs of the times. Judging by what we daily see here in this House, the border States, through the blandishments of power, the fear of ruin, the tyranny of the bayonet, and the corruption of greenbacks, are, I think, gradually being *persuaded* to yield before the genius of universal emancipation! The music of the old Union is hushed in the bugles of war. The northern Democracy, in struggling to preserve the institutions of those States, and in doing which they have been and are yet in sympathy with their only proper representatives, have done so from no love of slavery; but because, in the language of the Chicago platform, they would, by preserving State institutions, "preserve the balance of power, on which the perfection and endurance of our political fabric depended." When the party in power, by edict and bayonet, by sham election and juggling proclamation, drag down slavery, they drag down in the spirit of ruthless iconoclasm the very



genius of our civil polity, local self-government. They strike constitutional liberty in striking at domestic slavery. Hence they must abolish *habeas corpus* when they stab the hated institution. They must invade bills of right when they invade State rights. When next you meet us at the polls you shall answer for the perfection of our political fabric which you have marred, and the endurance of which you have imperilled. No more wrangling about pro-slavery or anti-slavery. The question shall be, the old order with Democracy to administer it, or continued revolution with destructives to guide it; the old Union with as much of local sovereignty as may be saved from the abrasion of war, or a new abolition and military unity of territory, with debt, tyranny, and fanaticism as its trinity.

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### HISTORIC LESSONS FOR CIVIL WAR.

THE NATION'S HOPE—AMNESTY—SOUTHERN UNIONISTS—PLAN OF THE PRESIDENT AND THE BILLS OF RECONSTRUCTION—ONE-TENTH PLAN—THE OATH—PRESIDENTIAL CHARACTERISTICS—VITALITY OF STATE GOVERNMENTS—RECONSTRUCTION—CIVIL WARS OF GREECE, ROME, FRANCE, AND ENGLAND, HOW RECONCILED—VICTORY WITHOUT REPRISALS.

"We know of no great revolution which might not have been prevented by compromise early and graciously made. Firmness is a great virtue in public affairs, but it has its proper sphere. Conspiracies and insurrections in which small minorities are engaged, the outbreakings of popular violence unconnected with any extensive project or any durable principle, are best repressed by vigor and decision. To shrink from them is to make them formidable. But no wise ruler will confound the pervading taint with the slight local isolation. The neglect of this distinction has been fatal even to governments strong in the power of the sword."—*Macaulay*.

The bill of Hon. Henry Winter Davis, "to guarantee to certain States, whose governments are usurped or overthrown, a Republican form of government," presented an opportunity to discuss the problems of reconstruction.

Mr. Cox, on the 4th day of May, 1864, delivered the speech which follows. Mr. Davis answered the argument against the one-tenth policy in the suffrage of the new States, by abandoning it, and substituting the majority.

Mr. Cox said: Mr. Speaker, my heart's desire and prayer to God is for peace and union to this distracted land. While urging undiminished and increased exertions by our army and navy to secure union, I have been ever ready to heal the wounds and check the ravages of war by all rational methods used among civilized nations. To those who can entertain but one idea at a time, this position has seemed inconsistent; but to those who have read history, it will appear that war is made for peace, and that to consummate peace in the midst of war, and to restore harmony in civil or international conflict, negotiation and friendliness are indispensable.

During the long and anxious years I have served here—from almost a youth to almost middle age—I have never failed to warn against the

great crisis of force which came in 1861. These auguries have been unhappily too fully fulfilled. What could be done by an humble representative to avert this strife, that I did. My constituents know this; and I might be content to leave this arena, conscious of their approbation for duty done. Since this war began I have sought, but found no place for compromise in the dominant party. Hence I have mournfully, though constantly by vote and voice, upheld the sword, lest even a worse alternative—eternal separation and prolonged strife—should be our fate. The miseries which this war has entailed, have not been the work of the Northern Democracy; and if disunion comes through the open doors of Janus—if recognition of Southern independence comes through war or its disasters—the Democracy are not responsible for the odium, and with my word and aid shall never be held responsible. Those who are swift to recognize Southern independence may do so; but by all the memories of our conflicts with secession and abolition, I will never, never, be counted among those who have aided in the dismemberment of the Republic. Would that I could see in our present policy a gleam of hope for our future. How gladly would I hail it! But until that policy is reversed, all our future is shrouded. Like my distinguished friend from Indiana [Mr. VOORHEES], whose dirge-like speech still haunts my memory, I see in the continuance of the present misrule only the throes of this nation, writhing in the despair of dissolution. The bloody sweat, the feverish pulse, the delirious raving, and the muscular agony, go before that prostration, which “Death the Skeleton and Time the Shadow” have consummated for all republics, which have in evil hours yielded the sceptre of the people to the grasp of Passion and the greed of Power. The eloquent requiem which my friend pronounced, sounding like the wail of the bereaved among the tombs of the dead, should, if heeded, teach us, before too late, how beyond all price is the boon which is passing from us forever. He finds hope in autumn, for the spring will bring its bloom; hope in the storm, for the cloud will pass and the sun shine again; but no hope in the grave of our Republic—none, none for our dying Republic. Mr. Speaker, sadly as his thoughts have impressed me, I can yet see some hope for our Nation; for I believe in the immortality of civilization and the grace of the Christian religion. While to him the future is black with a pall, I look beyond his prospect of the hearse and the tomb—the mourners and the darkened window—to the resurrection! The grave shall lose its sting, and death its victory. The mourner shall be comforted. The light of a better dawn shall enter into the darkened chamber. I too go to Holy Writ as he did, but I go for the purpose of cheer and not of despondency; for I read there that “*Good tidings shall bind up the broken-hearted, and to them that mourn in Zion, give unto them beauty for ashes, the oil of joy for mourning, and the garment of praise for the spirit of heaviness. \* \* \* And they shall build the old wastes, they shall raise up the former desolations, \* \* \* as the earth bringeth forth her bud, and the garden causeth things that are sown in it to spring forth.*” “Go through, go through the gates, prepare ye the way of the People; cast up, cast up the highway; lift up a standard for the PEOPLE!” Sir, that standard for the people shall be high advanced! My friend himself will bear it to the West. In the honest yeomanry of the Mississippi Valley, and in the

eternal principles of constitutional Democracy and regulated freedom, do I read a more cheering horoscope! I will not, do not, and cannot despair. I would rather die in my simple faith in popular intelligence and republican institutions, than yield my heart to the sadness which freights each passing hour with its gloom. There is one hope left. If the bayonet shall be unfixed at our polls, if no persuasive appliances of money shall attain an honest election, I do not despair of a verdict in favor of that party whose principles I have loved for their national history and unsectional spirit. Fond as I am of historic research, I cannot follow my friend in mourning over the dust of departed empire. I read in the decline and fall of republican governments lessons of wisdom and hope for our own guidance. In the remarks which I shall submit, I propose to show from history how statesmanship has saved the fallen columns of constitutional liberty, how the victories of war have been crowned by the more renowned, important, and difficult victories of peace, and how allegiance has been rekindled by the sweet breath of kindness fanning the almost dying embers of patriotism. This may seem like a thankless and useless task, in view of the convulsions and prejudices of the hour; but the issue demands such an exposition. That issue is—shall freedom, peace, and union be restored by a change of rulers and policy, or shall we set aside the teachings of the past, and permit the work of disintegration and ruin to go on?

The Executive has proposed an amnesty. I would not turn away from its contemplation. As each day may offer the chance of conciliation, I welcome any sign of peace, though the bow of promise be dim and unsubstantial, and though it be wreathed over the very cataract of our national doom! The message of the President should be welcomed, not so much for what it is, as for what it pretends to be. It is his first adventure beyond the line of force into the field of conciliation. As his former policy showed a will to change and crush civil relations by the iron hand, so the present policy is but its continuance; for he only draws over the mailed hand a silken, though transparent glove. His plan is the will of the commander, while pretending to be the wisdom of the civilian. The war power, as illustrated by the administration, has no more foundation in our Government than this peace power, assuming to pardon crime without conviction, and revivify dead States which are indestructible. But duty demands a thorough sifting of this pretentious amnesty. The Democratic party have worn the stigma, as it has been deemed, of leaning too much toward conciliation. Our gravest fault has been that we are suspected somewhat of having read the Sermon on the Mount, and that we have believed in the gentleness and effectiveness of our religion. Even such Democrats as have favored the superaddition of clemency to the enginery of war as a means of reunion have been ostracized, while those who have found no elements of union save in affection, without coercion, have been imprisoned and exiled. It would be ungracious in us, therefore, to dismiss even this semblance of pacification without examination. Let us examine it in the light of history. If it be right, it shall not be rejected because it comes from a President not in our favor. If it sound hollow—if it be the Trojan horse, full of armed men, ready to surprise

the citadel of our Constitution, let us drag its insidious features to the light for condemnation.

To test the genuineness of this amnesty: Five months have gone, but we see no signs of thousands of southern citizens rushing to embrace this amnesty. Indeed, it is conceded that the rebellion is now more formidable than ever. Unlike the acts of grace granted by kings to their recalcitrant subjects, of which history is full, there is no general taking of the oath, no genuine movement toward the restoration of the seceded States, but a fiercer spirit of resistance, produced by the unwise and exasperating policy of the Executive. The President's plan has been widely published in the papers South, as the "Richmond Sentinel" says, to "animate their popular patriotism." The forgiveness offered by the President is deemed a mockery and its terms an insult. What a delusion to hold out such a Dead Sea apple—ashes to the lip, and hardly fruit to the eye. How many people in the North would take an oath to support those negro policies of the past two years! I never, never would. I would as soon think of swearing allegiance to secession. I would as soon tie my soul to the body of death. And can you expect the southern people in their present temper, saddened by loss and irate with revenge, to do what our *constituents*—one million and a half of northern voters—would scorn us for doing? There could have been no hope of a returning South by such a plan. It is an amnesty which is a juggle, for it pleases no one who is to be reached. It is based on a proclamation which is a delusion, for no one was freed by it whom our armies had not enfranchised. It is the old unsoundness, newly daubed with untempered mortar. There is one chief defect in the President's plan. It is the structure built upon his proclamation of emancipation. The same defect is observable in the bill of the gentleman from Maryland [Mr. DAVIS]. That too is based on the one-tenth system and the policy of forced emancipation. He proposes to "guarantee to certain States, whose governments have been usurped or overthrown, a republican form of government." This is the title of his bill. I deny, first, that these State governments are overthrown; and second, that his plan substitutes a republican form. His plan is to appoint provisional brigadier governors, who are to be charged with the civil administration until a State Government shall be recognized as his bill provides. He requires an oath to the Constitution to be taken, which is very well; but by whom? By one-tenth of the people. They shall be sufficient to construct the new State, whose republican form of government is already dictated to them by the bill of the gentleman from Maryland. They "*shall*" abolish slavery. Then the other steps are to be taken, and the new republican State is to be recognized. In some of its features this bill is an improvement upon the rickety establishment proposed by the President; but it is obnoxious to the same objection. It is a usurpation of the sovereignty of the people by the Federal functionaries, and it regards the old States as forever destroyed. The plans proposed are objectionable, because of the mode of construction and the kind of fabric to be rebuilt. As the emancipation proclamation, or the emancipation act of the gentleman, can never be reconciled with the normal control of the States over their domestic institutions, so all oaths to sustain the same are oaths to subvert the old governments, Federal and State. The oath required, both of loyal and

dialoyal men in the South, is an oath of infidelity to the very genius of our federative system, for it is an oath to aid anarchy, and out of anarchy create a "new nation!" It receives no countenance from those who are wedded to the Constitution as it is and the States as they were; but it lifts the hand to God in attestation of a design to subvert both! The President's plan, therefore, whether intended or not, is an oath to encourage treason, and the plan of the gentleman from Maryland is a plan to consummate revolution.

By no state of war, by no act of secession, by no military power, by no possible or actual condition, can this change in our policy be allowed without a total subversion of our government, and without breaking down the principle of permanence and reinstating a new and worse revolution. Who is there to deny the "normal supremacy of the States over their domestic affairs"? Is it the jurist? I refer him to repeated decisions of the Supreme Court, and of every other respectable authority in the jurisprudence of America. Is it the historian? I refer him to the debates of the Constitutional Convention and the history of our States, both the original thirteen and those afterwards admitted. Is it the diplomatist? I refer him to Mr. Seward's despatch, wherein he says:

"The rights of the States and the condition of every human being in them will remain precisely the same, whether the revolution shall succeed or whether it shall fail. In one case the States would be federally connected with the new Confederacy; in the other, they would, as now, be members of the United States; *but their constitutions and laws, customs, habits, and institutions, in either case will remain the same.*"

Is it an old-line Whig? I refer him to Henry Clay, who held that to break down the incontestable power of the State over its own institutions was to break down both Federal and State constitutions, and, beneath their ruin, to bury forever the liberty of both white and black races. Is it a Democrat? Read your platforms for thirty years, and learn again the language of Jefferson and Madison, and the practical teachings of Douglas in his great contest for extending popular sovereignty over domestic matters from the States to the territories. Is it a Republican? I refer him to the Chicago platform, which resolves that "the maintenance inviolate of the rights of the States, and especially the rights of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends." Is it the members of the last Congress? I refer them to the Crittenden resolution, as to the rights, dignity, and equality of the States. Is it you, Mr. Speaker, the exponent of the will of this body? I refer you to the resolution you voted: "That neither the Federal Government nor the people, nor the governments of non-slaveholding States, have a purpose or a constitutional right to legislate upon or interfere with slavery in any of the States of the Union." Is it the President himself? Oh! shameful treachery! Shame to himself and treachery to the trusting! Shall I recall his repeated sayings by proclamation, calling on soldiers to peril their lives, or by message, giving us his solemn convictions of duty? Shall I refer to his message wherein he repudiated the idea of disturbing the system of slavery, as foreign to his inclination and his duty, or to his direction to Mr. Seward to inform foreign powers that any effort to disturb that system "on his part would be

unconstitutional"? Is it the philosophic thinker? I refer him to the expositions of M. De Tocqueville (vol. i., p. 69), who, better than any one abroad, has examined the complex nature of our Government, beginning with the township and rising through many grades to the Federal authority, and who found here "two governments, completely separate and almost independent—the one fulfilling the ordinary duties and responding to the daily and indefinite calls of a community, the other circumscribed within certain limits, and only exercising an exceptional authority over the general interest of the country."

These expressions were made in view of or in time of war. The independent spheres of National and State Governments were ever regarded, in words, if not in acts, by the very party in power; and now their test of loyalty is an oath to forswear their own oaths! Now their touchstone of patriotism is—an oath to commit political turpitude! And this is called an amnesty! This oath, which is to be taken at once by loyal and disloyal men, is to be the sweet oblivious balm over past crime by a clement Executive! This battering down of the Constitution is to be the Aladdin witchery, which in a night is to reconstruct a "perpetual cosmos of beauty and power, out of the chaos of civil conflict." Because we do not shout hosannahs to this new cosmos, Democrats are reproached as favoring slavery. No, sir. We do not like slavery. For one, I say again as I have said before, let it die, if die it must, not by the rough usages of war, not by the starvation, miscegenation, or extirpation of the black race, not by the strangulation of State and popular sovereignty; but by the voluntary and legal action of the States, when they are in a condition freely to express their choice. Why use the sentiment against slavery to crush out the fundamental principles of our Government? Why, in striving to destroy slavery, drag down the pillars of the Constitution? When to kill slavery you destroy the "balance of powers on which the perfection and endurance of our political fabric depends," I must and will denounce you. How many expressions from the other side of the chamber have I been called upon to denounce, because they urge the abandonment of our old and rare political fabric. These expressions are all impeared by an exquisite thinker of the radical school—Senator Gratz Brown—when he says:

"Who cares for the Union of the past—a Union fraught with seeds of destruction—bitter with humiliations and disappointments? Who believes in the grief of these hired mourners, so lachrymose before the world? They are not even self-deceived. It is likewise with reconstructions—a freemasonry that imagines it has only blocks and stones to deal with, or a child's play, that would build up as they have tumbled down its card-castles, putting affably the court cards on-top again. Foolish craftsmen, seeing not that it is the life arteries and the thews and the sinews of a nation's being that are dealt with, and that it must be regeneration or death."

The Union thus dismissed with so much scorn, is the same Union which Lord Brougham called (*Political Philosophy*, Part III., page 386) "the very greatest refinement in social policy, to which any state of circumstances had ever given rise, or to which any age has ever given birth"—which deserved his eulogy, because, as he held, there was in it the means for keeping its integrity as a federacy, by the maintenance of the rights and powers of the individual States. The Union "as it should be"—the

Union of the "wise craftsmen" of to-day and not of the foolish fathers who made it—is not the Union I have learned to admire and loved to cherish; not the Union which, for the past seven years, I have pleaded here to maintain without blood and perpetuate without peril.

These plans of regeneration involve a change in the structure of the Government. They break down the spirit of municipal independence, in destroying which, as De Tocqueville has shown, you destroy the spirit of liberty. No matter what form is left, the despotic tendency will inevitably appear, when the local authority is usurped. If you leave any form of Government, it is the will of the Executive, ~~it is~~ a despotic centralization—Russian, Asiatic, the rule of military ~~bashaws~~, or provincial kinglets. Whether appointed by Congress or the President, they hold their power from Washington, and they must remain at the head of their troops, and at the call of their chief. Our Republic then deserves not its name. It is no longer the "United States." It is a United State, a geographical unit, holding together subject provinces by the brute force of petty tyrants.

Believing that the scope and aim of the proclamation will not restore the Union, nor profligate any portion of the South, except demagogues and hirelings, who sell their birthright for the price of power, let us inquire what motive could have induced the President to proclaim it, in a moment of success to our arms and depression to the South. One suggestion will satisfy as to the motive. I am sorry to believe it; but the President desires renomination. He is a man whose mind has every angle but the right angle. In his nature, cunning contends with fanaticism. From the time he developed his irrepressible conflict doctrine, so much praised by the gentleman from Illinois [Mr. ARNOLD], until its latest expression in his last message, his course has been equivocal. But meanwhile how shrewdly he has balanced between the factions of his party. His inaugural recognized his obligations to the Constitution. He would not interfere with slavery. How prodigal were his promises to the Border. How quick to plant his foot on Phelps, Hunter, and Fremont for playing Augustulus. He desired some day to play Augustus. Abolitionism should be hatched under no influences but his own. How he lectured one of his editors for impatience. Conservatives held up his hands, while he prevailed against these Radicals. He toyed with emigration, colonization, and compensation schemes. He made a gradual emancipation theory with a short fuse which soon exploded. It hurt no one. But the time came for him to play revolutionist; and with seeming reluctance, he issued the Proclamation of Emancipation. He desired the people to pass on it. They did. They condemned it in 1862. He adhered to it. In his Springfield letter, and in his late message, he dedicates all power to its execution. Meanwhile, a contest springs up as to the State suicide doctrine. It divides his party, and even the Cabinet. He has Missouri on his hands. Radicals are rampant. He acts Conservative awhile, until the days of November, 1864, begin to approach; then, lo! this message as the climax of his long series of ambiguities. That I may do the President no injustice, I quote from his own partisan, Senator POMEROY in his circular, who says: "The people have lost all confidence in Mr. Lincoln's ability to suppress the rebellion and restore the Union. He has been weak and vacillating, wasteful of national blood and treasure, proflig-

gate and corrupt." There is only one solution for these inconsistencies. He is trying to please both wings of his party, to secure his nomination. With dexterous chicanery he has phrased and framed his late plan, so that it may admit of two voices. He will not give up his Emancipation Proclamation or the confiscation and penal laws. "To abandon them now," he says, "would be not only to relinquish a lever of power, but would also be cruel and an astounding breach of faith." This should suit the Radicals. For a lighter shade of his party he promises what is a mere delusion—an adjudication of the question of their legality by the Supreme Court. True, he has declared all means like these which he now promulges, unconstitutional; yet he would submit them to the Court! When and how? Why, after he has made the slave a freedman by the sword! What a mockery is such a submission. But it will do to make him a candidate; and more than that, it might elect him President. If his plan of making one-tenth rule in the States should succeed, then he will have ready at hand the electoral votes of Florida, Arkansas, Louisiana, Tennessee, North Carolina, and other States. He began this business in Florida the other day, and the blood which flowed at Olustee is the result of this scheme of personal ambition.

Nine States, without South Carolina, representing 679,310 voters in 1860, will now, by this peculiar republican form of reconstruction, cast electoral votes for the 67,931, who, as one-tenth, are to be registered. How many of these will be stipendiaries, or how many *bond fide* citizens of the States? But, surely, a candidate with so fair a chance for a gigantic, almost a continental, fraud as this, must commend himself to a party, whose use of power has made a debt of two billions and an expenditure equal to the expenditure of all former administrations. Hence, when this amnesty to rebels was announced, it was regarded as a political movement only, and the excitement did not equal that of a prize fight. No one was affected by it. No opponent was changed to, and no friend alienated from the Administration, either North or South. If it had been an act of good faith and not a partisan manœuvre, it ought to have bound closer to the Administration every friend, and challenged the admiration of every opponent. The bells should have been rung, the bonfires blazed, and huzzas have rent the air, as the throb of hope pulsed through the fevered veins of our nation. No such thing. It was nothing but a bold attempt to perpetuate power, at the hazard of revolutionary war in the North and protracted war in the South. For as surely as the great States of New York, New Jersey, Pennsylvania, and the Northwest are overborne by the coalition of these bastard States and rotten boroughs South, with New England abolition, so surely will the tocsin of inevitable necessity sound the alarm of resistance throughout the land. The people may sleep now, drugged by the opiate of temporary prosperity, but the excitement of the Presidential election will stir to its very depth the popular disaffection, and in wild saturnalia the vessel of our hopes may founder forever in a sea of blood.

The pretence of the President is to reconstruct the Union. Where did he get his authority to build anew what we can never agree has been destroyed? Is it a part of the war power, or the pardoning power? It is the "best mode the Executive can suggest, with his present impressions."



Will any one point out the clause of the Constitution which would even create an "impression" that the Executive has the function either of Supreme Lawgiver, State Constructor, or Supreme Dictator! His meekness in referring to Congress and the Judiciary the legality of his acts, after they are accomplished, is a piece of effrontery to which Louis Napoleon has not yet arrived. Where did this unfledged Cæsar get his warrant to create sovereignty?

In discussing this plan, it would be sufficient, without questioning the right of the President to construct States on condition or pardon on terms, simply to discuss whether the conditions and terms are wise, practical, and likely to do good. But I propose somewhat in detail to discuss the President's plan, in the following order:

1st, the oath; 2d, the republican form of the government to be reconstructed; 3d, the question whether the State governments in the rebel States are vital; 4th, some wise and practical plan such as will aid in restoring the Union under the Constitution.

I. *The oath.*—There is a sort of *odium historicum* attached to all political test oaths. They are not original with the President. They have been the bane and foil of good government ever since bigotry began and revenge ruled. You cannot make eight millions of people, nearly all in revolt at what they regard as the detestable usurpations of abolition, forswear their hatred to abolition. You force by this oath the freed negro into the very nostrils of the Southern man, whose submission to law you seek. The conditions of the pardon only inflame and do not quench rebellion. The rebellion was in such a state when the amnesty was offered, that it was a golden opportunity for magnanimous statesmanship to proffer generous terms. An amnesty based on another kind of oath (if oaths you would have that Heaven would not record as perjury) might avail. I mean an oath to support the Constitution of the United States, and all laws made in pursuance thereof! But what does this amnesty in fact say? To all citizens South, whether loyal or disloyal, it proclaims that one-tenth of the voters of 1861, and "*excluding all others*, shall reestablish a State government, which shall be republican and in no wise contravening said oath;" that such establishment "*shall be recognized as the true government of the State*," which is to be considered republican in form under the Constitution.

The abolition oath is the basis of the new republican form of government. All who do not agree to that are excluded. All who do not agree to the pestilent theory of State death are also excluded. Hence, this plan would allow any recent rebel who takes the oath to make a unit in the one-tenth, and excludes the Union man who has not forsworn his faith in the vitality of the States, and who will not swear to support policies and laws to which he can never adhere. What becomes of the many thousand loyal men of Tennessee, of Texas, of North Carolina, of Arkansas, of Louisiana? They are set aside for those whose oaths will bind them long enough to vote, and who, to save their lives and property, will swear with facility. The oath is tendered to men of patriotic probity, who will and ought to spurn the test oath of the traitor. Going upon the doctrine that all the rebellious districts are unsound—assuming the ground that the territory South being belligerent outlaws all, whether loyal or not—the

President applies this bitter cup to the Union men who have never flinched in their love for the flag. The men who have stood the brunt of this red tempest, whose homes have been blackened by fire and whose families have been destroyed by the sword; whose ties of natural affection toward brothers and sons in the rebel army never made them swerve in their patriotic devotion; who have even withstood the fear of death and destruction, and in spite of the treachery and unkindness of this Administration have kept the standard of stars high advanced amid swamps and caves and mountains—these men must quaff the cup of bitter waters before they can stand before the world as the builders of the new temple proposed by the President! If they were worthy of association in this great cohort of States, they would scorn reënfanchisement by such a plan. If there were no other reason to reject this juggling scheme, justice to “the faithful found among the faithless” South, would demand its rejection.

II. As to the republican form of government to be made by this plan. Republicanism is founded on the will of the people. How does the plan work out this will? Suppose Tennessee to-morrow should register one-tenth of her 145,848 voters in 1860, viz., 14,534. They make an anti-slavery constitution; a majority of the 14,534 adopt, to wit: 7,268 citizens. They may have all been rebels; no matter. They may the day after the constitution is adopted change its free clause into a slavery clause, or the State into rebellion again; no matter. There may remain 130,804 voters who do not agree to the constitution, who took no part in its manufacture. They may be mixed of Union and rebel proclivities. They, however, seek to return to their old allegiance. The spirit of Jackson and the fire of patriotism illumine their wasted hearthstones, and they—the nine-tenths—agree to restore the old Constitution of Tennessee under the Federal Constitution as it is; or they may even abolish, as they have the right, slavery in their midst; yet the President binds himself to hold them in forced submission to the 14,534, or its majority! The truth is, a test oath to require citizens to support his policy as to slaves is, not an oath of allegiance to republican government, but to the Republican party. It is an oath of fealty to ABRAHAM LINCOLN. He sends out heralds to proclaim: “Ho! ye; all who will prepare to forswear your sentiments and enter into an arrangement to make new States with one-tenth over nine-tenths, and thus form electoral colleges to vote for me, I swear by my army and navy, that you, though you are pardoned criminals, shall be the cornerstones in the new State, and shall have the shield of the Executive and the protection of the flag!” In vain we search Spanish American annals for so shameless a pronunciamiento for revolution and anarchy. It is thus, Mr. Speaker, that your party seeks to unhinge the massive portals which lead within the chambers of reserved popular power—those doors which for so many years, on the golden hinges turning, opened so readily to the States as they entered within the sacred adytum of our political faith.

There is one answer to these propositions always on the lip of the anti-slavery devotee. He holds that no slave State can be accounted republican. This would be news, indeed, to the Jeffersons, Washingtons, Madisons, and Adamses, who established these States as republican, twelve out of thirteen being slave at the outset. This would be news,

indeed, to the pioneers of the Northwest, to the early settlers of Ohio, who remember the deed of cession of Virginia, whereby our sovereignty was forever declared to be equal to and inviolate as that of the slave State of Virginia.

But what sort of republicanism is that which builds a State from a small minority of its people? The majority of a people, expressing its own will, forms a republic. A minority, or even a majority, following the will of a despot, forms a monarchy. One-tenth of the legal voters ruling nine-tenths, is an oligarchy. Reconstruction of republican governments on such a basis, is as absurd as the structures built by the architects in Gulliver, who began their houses at the roof in the air! The President quotes the guaranty of the Constitution as to republican State governments, and promises under its sanction protection to these pseudo-republics! But he forgets that if the Southern States are deceased, or out of the Union, there is the third section of article fourth of the Constitution, which provides for the admission of States. Does the President, in his theory, propose to disregard this clause? Unless Congress consent, all these scaffoldings, erected by his own will, will tumble to naught. If States can be declared dead, or burned out by the fires of war, perhaps New England may some day find her theory come home, in a reconstruction of her six States into one, and the reduction of her twelve Senators into two! Lines of longitude, as well as of latitude, may sometimes reconstruct States. The basis of our Federal Government is *States*, having constitutions and laws—the emanation of the popular will. This will is expressed through suffrage. This suffrage in States is regulated by their own constitution and laws. State voters thus qualified, and they only, can vote for members of Congress. When, therefore, the President undertakes to breathe into a State the breath of life by a new code of suffrage, even if the State were defunct, he usurps a power never granted, and a sovereignty belonging solely to the people. If these States in rebellion are destroyed—if the *tabula rasa* remains, upon which the President can write new constitutions, with new qualifications for voters—then secession and revolution have done legally what no one but a rebel or traitor ever believed could be done.

III. This brings me to the radical question of the day. The message of the President and the bill of the gentleman from Maryland assume that the State governments in the rebel States are out of existence or usurped, and that the territory should be governed as such by the United States, until new State governments shall be formed. The President does not commit himself to this plan as the only one: "Saying one thing, he does not mean to say that he would not say another." Very well. But one thing he has assumed—that the old States are gone. But let us do him justice. He suggests that on "reconstructing a loyal State government in any State, the name of the State, the boundary, the subdivisions, &c., may be maintained;" provided, always, the abolition policy prevail. This is like the prescript of the old Sultan, who, in commanding an obnoxious vizier to be ensacked and thrown into the Bosphorus, generously hoped his turban and clothes might remain unmoistened. I know it is said that the President repudiates the policy of reducing the States to territories. His plan is to select, as nearly as may be, the old building-spot; perhaps

use some of the old foundations, say one-tenth; but he changes radically the plan and structure of the building, and takes away from its lord the sovereign control of the establishment. He insists that there shall be homogeneity of arrangement in the structure; that for different conditions, classes, systems, climate, and position, the same relations shall be instituted. This plan is not only absurd in philosophy, unsound in economy, but revolutionary in practice. He in fact says: "I shall fight on to keep the Southern States *out* until they conform to my views as to negroes. My abolition condition to Union is inexorable! The proclamation shall be on a par with the Constitution. Let no one bleed for one without dying for the other!" God help the nation, plunged in an abyss of blood for such crudities!

Surely, if the State suicide doctrine be sound, this plan of rebuilding is not. Let me consider that State suicide doctrine. It professes to be based on the decision of the Supreme Court in the *Hiawatha* case. That decision is perverted to sustain this theory. The Court condemned certain property captured, because the property was within the lines of the enemy, actually holding those lines by force, though without right; and not because of the moral or political relation of the owner. The Court decided nothing as to the legal and political status of the owner; but because the property would help the enemy, it was to be taken as prize of war. There is in that decision no recognition of the right of secession; much less of the monstrous and cruel doctrine that rebels in arms can abolish the legal rights of loyal men or the institutions of States.

If war blots out the States insurgent, by virtue of its territorial and belligerent character, then war does by its violence, what secession would do by its ordinances. The right to expunge a State is co-ordinate with the right to secede. If a State can be forced out by the vote of its own sovereignty, or by combinations of men, without a constitutional amendment, then any State can be expelled by Federal action. If the Union becomes disagreeable to a State, then the State may become disagreeable to the Union; and if a State may retire at pleasure, why cannot a State be repudiated at will? These rights—if they exist, which I deny—correlate. They are inseparable. Suppose it had been proposed to expel South Carolina from the Union for her contumacy, or Massachusetts for her intermeddling—what a burst of indignation we should have had from each! They would have exclaimed: "Show us the power to throttle our State sovereignty, by denying us participation in this blessed Union. What! strip us of our American citizenship—place us outside of your navigation and commercial laws and treaties; leave us at the mercy of foreign powers; belittle us to nothing; rob us of our common interests in a common treasure, territory, government, history, and glory. Never!" Yet wherein does this claim of holding these States South as conquered provinces by military force, degrading the equal dignity of the States by the creation of a new sovereign power, differ in principle from secession? If secession be a nullity, and if the Constitution is not impaired, nor the rights of the States destroyed, then I can see how arms—inspired by wise and persuasive measures—may in time redeem the States; but on the other theory, all the tears, miseries, confiscations, and blood are in vain, in vain, in vain. Can we be surprised, therefore, that an analytic mind like

that of the Postmaster General, should have at once descried in these fallacies of abolition, a conspiracy in aid of the rebellion?

IV. I now propose to apply the lessons of history, by inquiring whether, even admitting all these plans to be legal, and even if decided to be so, some wiser, better, and more practicable plan may not be adopted. Is there no amnesty, no accommodation possible? There is. I believe that the restoration of the Union is possible, if we pursue a proper policy. The restoration of the Union as it was, is only impossible to those who, for other objects, do not desire it. The reconciliation of all the States is possible—nay, probable, with the restoration of the doctrine of local self-government and State sovereignty on matters not delegated to the Federal Government. I know no other hope. If this fail, all is dark and chaotic. Diverse interests and systems find their unity alone in this system of *laissez faire* to the States. How then is it possible to restore local and State sovereignty, and thus unite our hapless and lacerated country? History never presented so grand a problem for statesmanship. I approach it with something of that awe which solemnizes the soul when we enter within some vast and consecrated fabric—vistas and aisles of thought opening on every side—pillars and niches and cells within cells, mixing in seeming confusion, but all really in harmony, and rich with a light streaming through the dim forms of the past, and blest with an effluence from God, though dimmed and half lost in the contaminated reason and passion of man.

Conscious of the magnitude of this rebellion, and oppressed with the feebleness of the policy directed against it, I still believe in the restoration of the old Union. Hence, whatever method I should advocate for the conduct of the war, or the celebration of peace, I am forever concluded against one conclusion, the independence of the South. I believe the principle of unity to be absolutely superior to the right of sectional nationality. The destiny of these United States is to continue united, and perhaps to add other States, until the whole continent is in alliance. Our fate is to expand and not to contract our influence or our limits. All other notions are but transitory and evanescent.

I am happy to be in accord with the President, if indeed he holds yet to the doctrine announced in his Inaugural: "Physically speaking, we cannot separate." I had adopted the same sentiment, that there were Union foundations, by the very political geology of God, upon which the old Union could and would be rebuilt. In his first message, the President held:

"The two sections could not remove from each other, nor build an impassable wall between them; that intercourse, amicable or hostile, must continue. Is it possible, then, to make that intercourse more advantageous, or more satisfactory, *after* separation than *before*? Can aliens make treaties easier than friends can make laws? Can treaties be more faithfully enforced between aliens than laws can among friends? Suppose you go to war, you cannot fight always; and when, after much loss on both sides and no gain on either, you cease fighting, the identical old questions as to terms of intercourse are again upon you."

These sentiments are founded in principle, and drawn by correct deductions from history. They are the germ of all true politics. Sorry am I that in a moment of pressure and temptation he should have been drawn

from them by the weird whisperings of ambition under the baleful eclipse of fanaticism.

The argument from physical, and therefore from economic reasons, for the perpetuity of the Union, is powerful. But history and the experience of other nations show that the dissolution of the old Union might consist with a different kind of unity. Any union which would leave trade free and locomotion unrestricted between the States North and South, interior and exterior, would answer the mere physical and economic objects of union. It is well known that Judge Douglas contemplated as among the possibilities an American Zollverein, which would have secured unity of territory for commercial purposes. In an essay which he said had cost him more labor than any work of his life, and which death prevented him from giving to his countrymen, he ascribed our situation to the aggressive spirit of abolitionism, and held that, for the present, nothing but a commercial union, founded upon the plan of the States of Germany, would be practicable to sustain those influences which made the United States the happiest and most prosperous of nations. But he only contemplated it as an initial point from which he would, through common interests and kindness, move on to a more intimate union, until in time the Union as it was might again be restored in its primitive fulness and glory! \*

Something more than physical boundaries and commercial reasons must exist to make that old Union possible. The President understands it, without giving it full emphasis, when he says: "*Friends make laws,*" and the "identical old questions as to terms of intercourse" remain after fighting. Fighting may do much, it may be admitted; exhaustion, calamities, and bloodshed may make it the interest of men to coalesce to avoid such horrors; but what can produce in a people the *idem sententiam de republica*? Can that be forced? If not, what will you add to and after force, to inspire the common sentiment which we call patriotism? Many sad and harsh experiences may be ours before that event. Military rule, anarchy, destruction of individual opinion, speech, and liberty—all these may be in the path of the old or of another polity. These will be our experiences, unless we take the straight, short, and right line of the Constitution. We may wander forty years in a political wilderness before we attain the promise of our youthful and exultant nationality.

Before attempting to show how this nationality may be restored, it would be best to define it. What then is Nationality? Let the definition of the English logician, John Stuart Mill, answer: "We mean a principle of sympathy, not of hostility; of union, not of separation. We mean a feeling of common interest among those who live under the same Government, and are contained within the same natural or historical boundaries. We mean that one part of the community shall not consider themselves as foreigners with regard to another part; that *they shall cherish the tie which holds them together; shall feel that they are one people; that their lot is cast together; that evil to any of their fellow countrymen is evil to themselves*; and that they cannot selfishly free themselves from their share of any common inconvenience by severing the connection."

Is it not strange to a dispassionate thinker, that those who are not hos-

\* Speech of Hon. Henry May, Feb. 2, 1868.—"Globe," 3d session 37th Congress, p. 687.

tile in the sense of hate to the South; those who would woo them to the ancient order and Union, by reason, old associations, the allurements of peace and patriotism, to make again of the circle of equal States the old Federal sovereignty, should be held to be the least national; while those who have so far forgotten the common interest of all, under the same Government, who regard themselves as alien to the South, even as the South regard themselves as alien to us, should be held as the most national? I do proclaim it, on the basis of a logic incontestable, that he among us who wishes most evil to any part of the country is **THE MORAL TRAITOR AND SOCIAL ANARCH**. They, too, who would selfishly free themselves, from their share of any common inconvenience by severing the connection, like those of the South, are also enemies to the whole country. What can we think of his national feeling, who would so disregard the interest of one half of his own country, as to wish to see it utterly erased by war; a *tabula rasa*; its cotton crop, and other exports, worth \$200,000,000 annually, which is required as the basis of our commerce and for the payment of our debts, and which gave the nation the advantage of the world, entirely ruined or transferred to other and alien hands; its laborers colonized in tropical lands to benefit foreigners; or suddenly freed without benefit to themselves or to the superior race; and its very statehood blotted out, because of the sedition of its people!

We are powerful in proportion as we are national. If we should follow the advice of passion, and treat the Southern States now in civil war as England treated Ireland, we become weak and denationalized. If we pursue the South with a licentious uncivic soldiery, gloating with anticipations of the plunder of private effects, or with the promises already held out of parcelling out the lands of the South as the bounty which revenge pays for pillage, thus whetting a tigerish appetite for a great festival of blood and rapine, we may be sure that the special Nemesis which Herodotus traced through the early eras of history, will haunt the men who instigate and the men who execute such a fell and imbecile policy. If, as in Rome once and in Spanish America now, we bribe one part of the nation by the robbery of another portion; then we may be sure that conflicts will be renewed when exhaustion is overcome, and our flag, like that of old Spain, will typify a river of blood between margins of gold. If we would avoid the constant aggregation and disintegration of feeble masses in different provinces, such as the history of South America demonstrates, we must learn to carry out, better than the President has done, his own principle of friendly legislation, instead of repellent alienation. Powerful as are our armies—gradually encroaching amidst many mistakes and vicissitudes upon the territory which is insurgent—great as are our Parrott guns, and invulnerable as are our iron-clads, one thing we have to learn yet from history, that our best soldiers are not, like Charlemagne's paladins, possessed of enchanted weapons. The only weapon which wounds the cause of rebellion, and yet which can transmute the rebel into the patriot, is the enchantment of friendship. He who would destroy a part of his own country, as if it were alien, has no more love for it than Saturn had for the children of his own loins whom he devoured. Such a creature is not a patriot, even if he were a man. Patriotism never de-

sires to weaken or disgrace, but always to strengthen and glorify the country.

From these suggestions it will be apparent that something besides force is needed to reconcile States which are insurgent. What that something is, which I may call the philosophy of union, can be ascertained by understanding what that element is, which is the philosophy of dissolution. All disturbances of property, person, liberty, home—whether by emancipation, confiscation, extermination, or other repellent policies—can never beget confidence. No plan that debars nine-tenths of a people from political privileges, and outlaws them from their own homes and rights, can renew allegiance. But such confidence and allegiance have been begotten and renewed in other lands rent with civil feuds; why not in this? To answer this, I shall consider, *first*, the mode by which such results can be attained, and *secondly*, the illustrations from history showing such results.

1st. States or societies are made up of individuals. To reform society or control masses, individuals must be reached. M. Guizot, in his *History of Civilization* (page 25), has demonstrated that two elements are comprised in the great fact that we call civilization, the progress of society and the progress of individuals. The one is but the external phenomenon of which the other is the cause. Society is merely the theatre for the immortal man. Society is made for man, not man for society. Society dies, changes, rots, regrows, and decays again; man blooms in immortal youth beyond this limited destiny. When, therefore, you adopt a policy to restore States or rebuild the dismantled social order, you must begin by reaching the character of men, influencing their literature, their tastes, their maxims, their laws and institutions, their industries, their wealth and its distribution and means of attainment, their occupations, their divisions into classes, and all their relations to each other. Whenever you have harmonized these so as to give *contentment*, you may be assured that no military compression or civil oppression can long keep the individuals interested from a common consent to the common Government. Hence, when the philosophic statesman perceives such a civil convulsion as this which arrays the sections of America in deadly conflict, he must accompany his historic researches with the *a priori* reasons grounded in human nature. Thus he may construct his science of social statics, and ascertain the requisites of stable political union. One of these requisites is the habitual discipline and regard for Government on the part of rulers and ruled. Let all personal impulses and conscientious convictions be subordinated to the supreme control of the proper Government; resist all temptation to break through such control; and you have a tremendous element of patriotic union. Mankind naturally do not like government. Brave men are loth to submit to control. Discipline, aided by religion and a common interest, is the power which keeps men from becoming anarchical. Combined with this civil discipline is the feeling of allegiance. Without this feeling no State can be permanent. When the rulers fail to give that protection which is the consideration and correlative of allegiance, then allegiance fails, and society declines, despotism supervenes, or foreign conquest is imposed. Let statesmen remember that this is the capital defect of our rulers, and the proximate cause of our troubles. Thus remembering, let them study history with a view to the reinstatement



ment of that protection to labor, liberty, property, and life, which assures to the State the allegiance of the people. This feeling is sometimes called "loyalty." The French philosopher, M. Comte, has thus described it :

"This feeling may vary in its objects, and is not confined to any particular form of government ; but whether in a democracy or a monarchy, its essence is always the same, viz., that there be in the constitution of the State *something* which is settled, something permanent, and not to be called in question ; something which, by general agreement, has a right to be where it is, and to be secure against disturbance, whatever else may change."

The SACRED SOMETHING in our political system is the written Federal Constitution, and the system of State Governments, both having their basis in the sovereign will of the people of the States. Not less sacred, because not less above discussion, are the reserved rights of the States, and the still more important reservation of sovereignty in the people. This is the essential permanency of society in the United States. This was the relation which all parties, whether at Charleston or at Chicago, agreed should not be disturbed ; which the President declared should not be disturbed by him ; and the fear of whose disturbance has convulsed a nation of thirty millions. This mystic union of the Federal and State systems was the sacramental essence, the divine appointment, above the storms and eddies of discussion. In this were comprehended our ancient liberties and ordinances. Even the domestic institutions of the State were imbound with it. Indeed, it was the only fundamental law, pervading our society as gravitation pervades the stellar spaces.

Those, whether North or South, who failed to keep this essence sacred and sealed, are responsible for the consequences. Abolitionism, which lived by the disturbance of this system, was like secession, for both sprung from the same direful agitation and the same disturbance of the Constitution.

But is there no light through the clouds of war? Have we no *solatium* for past wrongs, no immunity for future griefs? Are anger, hatred, scorn, revenge—the brood of wicked passion rankling in the heart—are these to remain? And shall there be no interregnum for the serene dynasty of peace and love to walk together white-handed through this bleeding and bloody land? Shall no one pour the Lethean wave over the scenes of death and the sorrows of mourning? Shall there be no recantation of the oaths of fierce men, vowing revenge for homes wasted, property confiscated, brethren destroyed, and cities ruined? O God! Is there no hope that even time may be allowed to assuage the hates and griefs of this bloody era? Shall the young men of to-day wear the rancor in their hearts till their hairs are whitened for the tomb, and teach their children and children's children to perpetuate the hate of the fathers? If this is to be the fate of our Union, then God has mocked His creatures by fixing them in habitations bound together by the same skies, rivers, mountains, and lakes ; mocked them by fixing in their hearts the principle of love ; and cruelly mocked them by sending to this star a Prince of Peace as an Exemplar and a Saviour !

Who are the men, or the fiends, who talk of utter extermination? If it were possible, it were execrable ! To exterminate the Southern people rather than reach them, as Mr. Lincoln himself proposed, by friendly

laws, is a crime more heinous than rebellion. Let the pitiless destruction of the Moors of Andalusia by Philip II., the merciless slaughter of the French in La Vendée, Claverhouse's bloody hunts after the Scottish Covenanters, the stained and cadaverous cheek of Ireland, the blood-shot eye of maddened Poland, the grim submission of revengeful Venetia, teach us by their history that powder cannot cement nor bombs bear messages of love. Superadd to your force, conciliation, and then your force may not be mere brute violence. Force has welded by its blows, but they were tempered in the fire of old and loving associations. "I do not fight the South because I hate her," said Mr. Crittenden; "I love her still." Conquest by force is only physical: subjugation does not imply mental acquiescence on the part of the vanquished in the ideas of the victor. Such a war, therefore, will produce only the *status quo ante bellum*, leaving an absolute reciprocal negation; each party denying the claims of the other, and leaving no common ground for a truce to intellectual conflict.

How can we reconcile the hostilities of the people thus physically bound to live in peace and union? It is clear that if the arms of both belligerents should in a moment fall from nerveless hands, there would remain to-day the same antagonism of ideas. This antagonism was reconciled on the principles of State sovereignty and local self-government as to all domestic questions, including slavery. Webster, Clay, and even Calhoun, in 1850, saw union only in this way. Mr. Douglas, Mr. Crittenden, and even Mr. Davis and Mr. Toombs would have preserved it by the same principle in 1861. The compromises of 1861 were drawn from this source—a final adjustment of the character of all the territory, and a complete non-intervention by Congress with the domestic relations of the Territories and of the States. This principle would have settled the difficulties. It was defeated by the action of intemperate and blood-desiring men. But the rule of right is eternal, for it is born of God. What was kind and just before the South resorted to arms is right to-day. The fact that war has come and that separation is impossible, makes more urgent the ascendancy of a party whose first and only preference is for the Union through compromise, and who shall at least be allowed to try the experiment of reconciling the States by guarantees similar to those proposed in 1861. If it be found impossible to restore the old association of States by such negotiation, *then, and not till then, can statesmen begin properly to ponder the other problems connected with subjugation and recognition.* I regret that any one, especially my colleague [Mr. LONG], should have anticipated these questions, and in his patriotic despair should have expressed his preference between the alternative of a war of subjugation and a recognition of Southern independence. I regard each alternative as premature. We may yet change the war from the diabolic purposes of those in power, by changing that power to other hands; and we are not ready to sever our Union while that hope remains. Of the two evils of subjugation or recognition, I make my choice of neither.

2d. That such restorations have been made in other lands rent by civil conflict, I proceed in the last place to show. But such restorations have never taken place in the case of an empire of independent provinces, governed by local laws, all at once absorbed or compounded into a central despotism. War cannot work such restoration; or if war, under some

mighty hand, ever does it, the States disintegrate, and fall an easy prey to military will or foreign subjugation. Violence may preside at the birth of dynasties, but violence is at the death-bed. Cæsar may defy the Senate and cross the Rubicon; but Cæsar had his Brutus. The works of violence are soon changed. No juggling plan can help them to success. Order, intelligence, justice, and Providence do not consist with violence or fraud, or the results of violence and fraud.

Charlemagne, with all his conquests, accomplished nothing; all his works perished with him. He was the meteor athwart the gloom of barbarism and feudality. M. Guizot has displayed his glories and triumphs, his laws and reforms. It has been said that he founded nothing. He founded all the States which sprung from the dismemberment of his empire. His empire had great temporary unity; his power and design were grand; but the disorder which sprung from his centralization of power was invincible; and all the unity of force died out with him. Wherever his terrible will did not reach in person, the local authorities ruled; and when he died, his dukes, vassals, counts, vicars, centenniers, and scabina became independent and resolved themselves into local legislatures. His vast means of government did not give liberty nor permanency. In the letters of the intellectual "giant of those days"—Alcuin—to Charlemagne, we find the secret of Charlemagne's success. That scholar congratulates the Emperor on his victories over the Huns, and gives this advice for their reconciliation: "1st. Send among them gentle-mannered men. 2d. Do not require the tithe of them. It is better to lose the tithe than to prejudice the people." Another writer gave to Charlemagne this advice: "Mortal, always be prepared to treat mortals with mildness; the law of nature is the same for them as for thee. One sacred stream flows for them as for thee." This is the philosophy and religion of amnesty. Thus tutored, power reached the individual by its mildness, like the sun which melted the avalanche. Yet this grand empire—belted in by a whole zone, under a prince with a diadem more brilliant than that of Alexander or Napoleon—where love on the one hand and fear on the other kept obedience—an empire which had Rome for a citadel and the Door-keeper of Heaven as a founder—on the death of its benignant ruler, was cleft into dismembered and bleeding fragments. What was a kingdom became a Babel of jarring feudalities. The genius of its cohesion died, and the cohesion crumbled. When our Constitution—the sacred greatness of which is beyond human name—shall die, then another Guizot may record of our discordant and divergent States, what he recorded of the great Empire of Charlemagne: "Power and the nation were dismembered because unity of Power and the nation was impossible."

Truly, there are fixed laws for the events of history. Society revolves in an orbit. The tenth century is reproduced in another era and on another hemisphere. If the principle of cohesion in our country, the Constitution, expires, and the Sundered States are attempted to be blotted out, lo! a central despotism for a few jarring months or years, to be followed by thirty-four or less clashing organisms! This is the perpetual cosmos of beauty and power, to which America is invited by the Destructives in power! The history of man for six thousand years teaches that it is impossible in our day or for our race, or indeed for mankind, to control im-

mense regions and large masses of men under the exclusive *arbitrium* of one man or one central government, however wise. The Emperor of Russia understood this in granting to Finland a free Constitution and a local representative assembly; and although he fails to treat Poland with the same enlightened justice, yet in the end he will be compelled to grant her a local Constitution, or bid her depart in peace. Let us con the lesson. What is the relation of Russia to Poland now, after nearly fifty years of "settlement" by the treaty of 1815? A secret government sits viewless at Warsaw. Without a cannon or soldier visible, its power is terrible. Russian spies in vain seek for the implacable foe. Executions and confiscations are revenged by assassination and fire. Extermination is the only remedy which Russia has contemplated in her dilemma. What advantage has Russia from such a rule? Has it added to her strength, her stability, or her grandeur? The throne before which three hundred languages are spoken, is powerless over a desperate people. Brute force only destroys. What revenue does she derive, which is not absorbed? What can repay her for the odium of her conduct amidst civilized nations? Wherein does the new gospel of extermination in this country differ from the Russian policy toward Poland? At the end of thirty years, we may have in the South, what Russia has in Poland, only an army which the population of the South will despise and defy. We may gain the Mississippi; but where is its olden commerce? Where is its golden prosperity? Our difficulties have been great thus far in struggling to hold the military occupation and power we have attained; but our difficulties will have but begun, when we begin this Executive system of amnesty, as an instrument to subjugate and exterminate.

The most absolute empires which the world has witnessed have been but an aggregation of provinces with the power intensely centralized. In proportion to the centralization of their power, was their career brief and calamitous. Sometimes the success and ability of the ruler has given permanency and strength to the State; but as in the case of Charlemagne, so in the case of the ancient Eastern empires, the death of the ruler dismembers the realm. The great Mesopotamian monarchy\* was an empire which was made up of a congeries of kingdoms. In proportion as these retained their distinct individuality, remaining as they were before their conquest—except the obligations toward the paramount authority—the empire subsisted longest. When the local governments kept their old laws, religion, line of kings, law of succession, their internal organization and machinery, only acknowledging an external suzerainty, they preserved longest their heterogeneous materials in one empire. But even in such an empire there were elements of dissolution. The elements bear such a similarity to our own history that I shall examine them, for our profit. "No sooner," says Rawlinson, "does any untoward event occur, as a disastrous expedition, a foreign attack, a domestic conspiracy, or even an untimely or unexpected death of the reigning prince, than the inherent weakness of this sort of government displays itself. The whole fabric of empire falls asunder; each kingdom reasserts its independence, tribute ceases to be paid, and the mistress of a hundred States finds her-

\* Rawlinson's Herodotus, vol. I. p. 393 *et seq.*

self suddenly thrust back into the primitive condition, stripped of the dominion which has been her strength, and thrown entirely upon her own resources. Then the whole task of reconstruction has to be commenced anew; one by one, the rebel countries are overrun—tribute is reimposed—submission reinforced. Progress is of course slow and uncertain where the empire has continually to be built up again from its foundations, and where at any time a day may undo the work it has taken centuries to accomplish."

Shall this chapter be the record of our history? Already we approach its fulfilment. I will not go to Virginia, or Tennessee, or Arkansas. Let me take Louisiana, and from one State, learn the fate of others. Go to-day into the rich heart of that tropical State, where the orange blooms in the air of winter; or visit it in the summer, when the woods and fields are luxuriant with their leafy life. You will find the fields no longer opulent with corn, cane, or the cotton. There is the luxuriance of weeds and decay. The undrained plantation is becoming the swampy pleasure ground of the alligator and moccasin. A few acres of corn, a few bursting pods of cotton, mark the spot where government farms, with disinterested benevolence, by means of freed labor! The sparse crops are choked by the growth of weeds. The speculator, with his haste for "one crop any how," is despoiling all. The infusion of new life, the restoration of the past prosperity which we were promised, is sadly evidenced by the ruin of houses and estates, and the appearance of a speckled hybrid population—the half-breed bastards born of barbarism, whose mothers have ceased to be slaves with the largest liberty to be—worse! The imperial city of New Orleans, which was the fitting entrepôt for the resources of the great valley of the Mississippi, still remains, but alas! how changed! The scream of the steam pipe, the song of the boatmen, the bustle of the levees, and the busy throng of the marts of commerce are all gone, for order has been established where Butler has revelled!

Military power is the same to-day which it was under the satrapies of the Orient. There is in it no element of allegiance and no resuscitation of nationality, for it is a system of constraint, and does not reach the individual except to exasperate and oppress. Our radical reasoners have talked glibly of their military governors for rebellious provinces, when subjugated. But Mr. SUMNER has become frightened at the apparition of Cromwell's Irish bashaws, and favors instead the Congressional rule of the conquered provinces. The gentleman from Maryland would send a provisional brigadier to the States. Mr. Lincoln sets up one-tenth over the nine-tenths, and his own will over all. They forget the principle involved. They ignore the history I have given. It is not who shall thus govern, but shall this sort of government be allowed to any one? "Shall Congress assume jurisdiction of the rebel States?" is the question of Mr. SUMNER. He holds that the States are blasted as senseless communities, who have sacrificed their corporate existence, which made them living, component members of our Union of States; that the States having abdicated, the right to rule them is transferred to Congress. Mr. Lincoln holds that himself and an oligarchy of one-tenth shall perform the same function. Suppose, then, Congress governs them!

By what agents will it govern? Men selected by the people of the States? Not at all. That is what is sought to be avoided. Wherein, then, will such Congressional government differ from the military satraps or bashaws selected by the President, or even by the tenth of the people selected for their anti-slavery oaths? If the States are obliterated and the source of power is centralized at the Federal capital, wherein does such a government differ from the rankest Oriental despotism? What will be our fate, with such despotism? History is like Merlin's magic mirror, in which we may read our own future. The seeming strength of such a system as conquered provinces, or oligarchical States, to take the place of the Constitution and local State governments, is its weakness. Such a system is not to be commended for the imitation of Anglo-Saxon people. Be assured, Representatives, that the people of America will never accept such a system in lieu of their old, any more than they will accept Presidential edicts for legislation, State suicide for State resuscitation, or an abolition tithe suffrage for the sovereignty of the people! With such a programme of tyranny against the States South, how is it possible to preserve the liberties of the people North? Can such an image, part brass and part clay, stand? Will not a Government despotic as an Oriental empire toward one half of the nation, become intolerable and oppressive to the other half? Let the experience of the people under the war power answer. Let the stifling of free speech and free thought, the censorship of the telegraph and surveillance of the mails, the arbitrary seizure and imprisonment of opposing partisans, and the military control over ballot-boxes, courts, and people answer! Shall the attempt to restore the States therefore be given up? Shall our armies be disbanded in the presence of rebellious armies? Not at all.

To restore allegiance and inspire nationality, let the individual rebel in arms against us be reached by the arm of our soldier, and when a non-combatant by the moderation and paternal care of the Government. Let the military power of the Confederates be broken. Use those and only those severities of war which civilization warrants, and which will make the military power of the South feel the power of the nation; but do not place any longer in their hands the armament of despair. They have had that weapon for over two years. Let our rulers forego their ostracism of the misguided citizen. Let an amnesty be tendered which has hope in its voice. Give forgiveness to the erring, hope to the desponding, protection to the halting, and allay even fancied apprehensions of evil by the measures of moderation. Thus, by confiscating confiscation, abolishing abolition, and cancelling proclamations, by respecting private property and State rights, prepare that friendliness which will beget confidence in the individual citizen. Thus will minorities be transferred into majorities South, and the States discarding the rebel authorities betake themselves to their normal and proper sphere under the old order. If this cannot be done by the present rulers, let other rulers be selected. History teaches in vain, if it does not contain lessons of moderation in civil wars. How were the feuds of the Grecian federation accommodated? How were the civil wars of Rome ended? How were the intestine troubles of England assuaged? How was La Vendée pacified by the generous Hoche? How is it ever that unity of empire and consentaneity of thought are induced? How, ex-

cept by the practice of that mildness which cares for and does not curse the people? When Athens undertook to succor Mitylene from the Persian grasp, a confederacy was formed between them. Athens used her power despotically. Mitylene revolted. Athens regressed her. Perfidy began. Destructive malignants—the Jacobins of that day, led by Cleon—instigated Athens to doom the citizens of Mitylene to death, their women to servitude, and their lands to desolation. But another and a better party arose, who strove to assuage grievances, prevent rebellion, and save the honor and unity of the Republic. “When all hopes of success have vanished,” said one of the wiser orators, “your rebellious subjects will never be persuaded to return to their duty; they will seek death in the field rather than await it from the hand of the executioner. Gathering courage from despair, they will either repel your assaults or fall a useless prey.” Wisdom prevailed, and the glory of the Grecian States remained untarnished.

But a more conspicuous analogy to our own revolution is to be found in the Marsian war of Rome. The Marsians claimed the privileges of Rome, whose empire they had enlarged and supported by their arms. They were the bravest soldiers of the empire, but they were denied equal rights in the State, which had been raised to eminence by their prowess. This war consumed above 300,000 of the youth of Italy. Finally, Rome conquered by recruiting her strength from the “Border States,” to whom she communicated her privileges. The only thing, says the historian, which saved Rome, was the fact that the Latin colonies remained faithful; for immediately after the commencement of the war, the Romans made up their minds to reward them with all the rights of Roman citizens. This decree is called the *lex Julia*. These allies were won by something more than amnesty of hate. The grandest empire of the past was rescued from internal feuds by the wise moderation of its statesmen.

When again Rome was racked by civil war, the wisest statesman of that turbulent and ambitious era, Cicero, summed up the duty of the patriot in this sentiment, which we might ponder with profit:

“I shall willingly adopt your advice and show every lenity, and use my endeavors to conciliate Pompey. Let us try it; by these means, we can regain the affections of all people, and render our victory lasting. Let this be a new method of conquering, to fortify ourselves with kindness and liberality.”

The closest analogy to our condition is to be found in the English civil war beginning in 1640. The English people are our ancestors. They had what we have, a similar code of personal freedom, great municipal independence, and a popular Parliament. The causes of the war were complicated by religious controversy; but the questions involved concerning the royal prerogative and the popular privilege are closely allied to our struggle. We know how the first Charles lost his head; how Cromwell's iron hand rescued, for a time, England from anarchy. At his death, eleven military governments, under Major Generals, like Monk, held almost absolute sway. The three nations were represented in one Parliament, which, on Cromwell's death, had been dissolved for indocility. Conspirators had been punished with death. Confiscations were common. Yet a counter revolution began. Terror began it. Cromwell's grasp was relaxed. His son, wiser than most men in power, convoked a Parliament. The army

still reigned. It had been corrupted by power. The result of intrigues for the general safety was a union of the Royalist and Presbyterian. But before the old authority of the Stuarts could be restored, one element was wanting. It was supplied. Party vengeance was rampant then as now, but the people's representatives considered that they had to decide between a new civil war and a restoration. The latter was represented as clement, unexact, prudent, and determined to adapt itself to the manners and wants of the time. Then came the famous declaration of Charles II. from Breda. It removed all hesitation, and the restoration began. The King in that paper declared that he desired to compose the distraction and confusion of his kingdom, to assume his ancient rights, and to accord to them their ancient liberties, without further "blood-letting." He therefore granted an amnesty to all who would return to their obedience. He gave his kingly word that "no crime whatsoever committed against us or our royal father shall ever rise in judgment to the least endamage of them, either in their lives, liberties, or estates; we desiring and ordaining that henceforward all notes of discord, separation, and difference of parties be abolished." He *conjured* them to a PERFECT UNION for the resettlement of all rights, under a free parliament. When this declaration was read in parliament, though it was the false word of a designing tyrant, yet the restoration of the second Charles was voted by acclamation! It was alleged that the declaration not only comprehended the motives but the conditions of the recall. Perhaps the people's representatives were precipitate in not first settling conditions by a "free parliament." But the amnesty and declaration were none the less powerful. Nor would the same sort of declaration from Abraham Lincoln be less powerful to restore the sovereign States to their old allegiance, especially if followed by a National Convention and the restoration of a party not unfriendly to the entire union of all the States, with their "just rights." No distrust followed this declaration of the English king. He came to England. His journey to London was one perpetual fête—one continued shout of rejoicing! Faction ceased. History records that Cavaliers were reconciled with Roundheads. Exiles showed no resentment in the joy of their return. A violent reaction against revolution began; war ceased; and the foundation was then laid for the permanent stability which 1688 gave to England.

On the contrary, what a lesson may we learn from the connection of Ireland and England, and the policy of the latter in striving to subjugate the former! From the time of the first and second Charles—under all rules—discontent and warfare has prevailed. The union purchased through perfidy and fraud, by appeals to the mercenary motives of men, has been a mockery. When Strafford ruled Ireland, he placed his captains and officers as burgesses in Parliament, who "swayed between the two parties," and thus began the corruption which ended in Irish subjugation. In spite of the eloquence of Grattan and Plunkett, Ireland at length became a dependency of the British crown. True, she had been despoiled before the union. From the time when the Puritans overran Ireland to exterminate and destroy, sending thousands into tropical slavery, and many thousands into that other country where crime breeds no more of its offspring, down to the first of January, sixty-two years ago,



when the imperial standard, floating from Dublin Castle, announced to Ireland the depth of her degradation, and from that period to the present, there has been no union, no peace, no justice, no content for Ireland. That union, thus misbegotten of force and fraud, was weakness to England and ruin to Ireland. In one rebellion alone, that of 1798, there were 20,000 loyal lives lost, and 50,000 insurgents, and property worth \$15,000,000. A conspiracy here, a plot there, a rebellion at the capital, a rising at the extremities, public waste, private impoverishment, general corruption, periodical starvation, political turpitude, and national bankruptcy—these are the features of national thralldom which Ireland presents for our warning, when we talk of subjugation and confiscation. How much better would it have been for both countries, had the sagacious advice of Sydney Smith been followed, when he said :

“How easy it is to shed human blood ; how easy it is to persuade ourselves that it is our duty to do so, and that the decision has cost us a severe struggle ; how much, in all ages, have wounds, and shrieks, and tears been the cheap and vulgar resources of the rulers of mankind. The vigor I love consists in finding out wherein subjects are aggrieved, in relieving them, in studying the temper and genius of a people, in consulting their prejudices, in selecting proper persons to lead and manage them in the laborious, watchful, and difficult task of increasing public happiness by allaying each particular discontent.”

The wiser statesmen of England once learned this lesson. They strove to apply it to America in the revolution of 1776. Every argument in favor of an unrelenting and exterminating policy by the British ministry was used and acted upon. In vain Chatham, Barré, and Burke appealed. Chatham, though provoked at our contumacy, as we are provoked at the conduct of the South, still felt that provocation could no longer be treated as such when it came from one united province, and when it was supported by eleven provinces more. Accordingly, in February, 1775, he introduced a bill, whose conclusion was : “So shall true reconciliation avert impending calamity.” We know the sequel ; but do we heed the teaching ? When in 1860 our wiser men strove to avert calamities by true reconciliation, who prevented ? Who yet stand in the path of reconciliation, with flaming two-edged sword, barring all ingress to the blessings of peace ? Who clamor yet for a dictatorial régime ? Who shout for death penalties, outlawries, forfeitures, and all the barbarous schemes of vulgar despotism ? Or who, on the other hand, still hope for victory without reprisals ; success without the tarnish or breach of the Constitution ; equality of rights, without irresponsible tyranny ; free opinions freely expressed—the only reward which a Union restored can grant, worthy of the great sacrifices which the noble soldiers of the Republic have made !

Let us have done with juggling amnesties and ambitious schemes, with philanthropic ferocity and enforced elections. Under no such policy, pitched in the key-note of the President's proclamation, or chanted in the mellifluous tones of the gentleman from Maryland [Mr. DAVIS], can the South ever be held in honorable alliance and harmony. A Government inspired thus would be out of all relations to the States of this Union. It would have neither “the nerves of sensation which convey intelligence to the intellect of the body politic, nor the ligaments and muscles which hold

its parts together and move them in harmony." It would be as Russia is to Poland, as England to Ireland, the government of one people by another. It would never succeed with our race. It would never succeed with a territory whose configurations are so peculiar and whose interests are so varied as ours.

No citizenship is worth granting to those who dishonor themselves to receive it. No common bond of allegiance or nationality is possible on such terms. Mean and degrading conditions which unfit the citizen for manly equality are more despicable than rebellion. You cannot expel the poison of sedition by adding to its virulence. You cannot draw men from crime by stimulating the motive which led to it. Not thus—not thus were the early insurrections in our country assuaged. True, these rebellions were pigmies to this gigantic outbreak, but the principle of their settlement is eternal. It is the very gospel of God; the very love which saves mankind. Inspired thus, what might be done if a wise and sagacious Executive should extend the same beneficent policy to the factions which are bleeding our beloved land!

Will our rulers heed these lessons in time? While they return to the purpose of the war, as declared by General McClellan, for the sole great object of the restoration of the unity of the nation, the preservation of the Constitution, and the supremacy of the laws; and while they conduct it, as he declared it should be carried on, in consonance with the principles of humanity and civilization, abjuring all desire of conquest, all projects of revenge, and all schemes of mock philanthropy, let them remember, also, that all our labors to rebuild the old fabric will fail, unless out of the "brotherly dissimilitudes" of section and interest, we evoke the spirit of fraternity, which has its true similitude in the perfect spirit of Christian fellowship!

Pursuing such a course, we may, like the fugitive prophet upon Mount Horeb, approach and interrogate DERRY itself in our despondency and for our deliverance. And though, like him, we may hear the roar of the wave and the whirlwind of war, though we may tremble amidst the earthquake of its wrath, and though God may not be in the storm, the wind, or the earthquake; yet we may find Him in the still, small voice—sweet, clear, electric,

"Speaking of peace, speaking of love,  
Speaking as angels speak above,"

whose depth and sweetness are not those of tempestuous force or elemental strife, but soft as an angel's lute, or a seraph's song, promising redress for wrong and deliverance from calamity. Horeb stands as a monumental lesson to our rulers forever, for it stands amidst the shadows of Sinai—speaking the still, small voice of divine conciliation, amidst the thunders of the law and the forces of physical nature! I wait for that voice to be spoken. My soul waiteth for it "more than they that watch for the morning; I say, more than they that watch for the MORNING!"

## VII.

### CONSTITUTIONAL AMENDMENT ABOLISHING SLAVERY.

NATIONAL CONVENTION—AMENDMENTS BY VIRTUE OF STATE RIGHTS—MADISON, HAMILTON, AND CALHOUN CITED—HISTORY OF THE CLAUSE IN THE CONSTITUTIONAL CONVENTION—JUDGE STORY'S OPINION—IRREVOCABLE LAWS—USE OF THE POWER TO AMEND AS COMPROMISES IN 1860—CHECKS AGAINST THE ABUSE OF THE POWER—DANGERS IN TIME OF WAR OF RADICAL CHANGES—INEXPEDIENCY OF THE AMENDMENT.

THE debate on the question of the power to amend the Constitution, so as to abolish slavery, was unusually interesting. It was so, because there was a direct issue, which gave no room for discursive discussion. It illustrated, moreover, what is seldom shown by Congressional debate, a progress, during the debate, toward correct opinions. Before the debate concluded very few upon either side denied the unlimited power to amend; unlimited, save by the exceptions mentioned, and save by the mode prescribed in the Constitution. This mode is the only safeguard against unwise amendments. It is ample, however, inasmuch as no amendment can be made except by the concurrence of two-thirds of Congress and three-fourths of the Legislatures of the States. If these be not sufficient guards against unreasonable amendment, what other or better prevention have we against violent revolution?

The part taken by me in the discussion was in some sort compelled: 1st, by a desire to be consistent with my previous votes given in 1860-'61, when amendments concerning slavery were common; and 2d, by a colloquy in which I engaged, where I committed myself to the doctrine above stated. On the 10th of January, 1865, while Mr. KASSON was speaking, Mr. MALLORY asked whether, by an amendment of the Constitution, we could so change the government as to convert it into a monarchy, an aristocracy, or a despotism. Mr. KASSON avoided the question; but with his permission, I answered it by saying: "I carry the Democratic doc-

trine to such an extent, that I maintain that the people, speaking through three-fourths of the States, in pursuance of the mode prescribed by the Constitution, have the right to amend it in every particular, except the two particulars specified in that instrument; that this includes the right to erect a monarchy; to make, if you please, the King of Dahomey our king." This expression excited surprise upon both sides of the House. It was animadverted upon by Mr. PENDLETON and by others, who had given much study to the question. But as the debate progressed, this power to amend became the fixed opinion of a majority, even of those who thought it then inexpedient to use the power. Mr. BOUTWELL held the power to be limited only by the preamble of the Constitution. Mr. THAYER, thereupon, argued that that was equivalent to saying there are no limitations, which was his own position. Mr. DAWES, grasping the question comprehensively at once, argued that since the preamble was submitted to three-fourths of the States, they were the law-makers and law-expounders, who could as well alter the preamble as any other part of the instrument; that it was competent for them, as a tribunal from which there was no appeal, to say that any thing, save the limitations prescribed by the instrument itself, does or does not contribute to the ends set forth in the preamble, even to the extent of permitting a man of foreign birth to be chosen President—even the King of Dahomey himself—with which Mr. THAYER and others agreed. This occurred subsequent to my speech, which was delivered on the 12th of January, 1865.

It was incomprehensible to some, that, admitting the power to amend, I did not vote to submit the amendment. I had, as will be perceived, left myself free to vote for the amendment, in case its passage would not interfere with any attempts at negotiation. I had several interviews with party friends, at my room, with that view. I was anxious, as a Democrat, and with a view to the upbuilding of the party I cherished, to drive this question, which had become abstract by the death of slavery through powder and ball, from the political arena. Many agreed with me, whose votes were recorded with mine against the amendment. I fully intended, when I came to the House, at noon of the last day of January, when the vote was taken, to cast my vote for the amendment; for I had said publicly and privately, that if all hope of negotiation had failed, and the South stood upon its independence, and the people were freeing their negroes for soldiers, I would not stop to consider further. The amendment would no longer be a block in the path of reconciliation and union. I had been advised by high officials, that no further negotiations were possible; that so Mr. BLAIR, sen., had reported from Richmond, whence he had just come. But on arriving at the hall of the House at

half-past twelve, I learned that commissioners were actually waiting to be conducted over the lines. These were Messrs. CAMPBELL, HUNTER, and STEPHENS. I sent to Mr. ASHLEY to know if this were true. He inquired of Mr. NICOLAY, the President's private secretary, who was present in the hall, who declared that he knew of no such commission. I begged Mr. ASHLEY, as my vote depended on that fact, to inquire of the President. He wrote him a note, to which the President, about half-past one o'clock, responded, that he "knew of no such commission or negotiation." This was signed "A. L." It was shown to me. I however made further inquiries, and satisfied myself that either the President was mistaken or was ignorant of what was transpiring at General GRANT's headquarters. It was upon this information, which I obtained from other than official sources, that I voted. It proved to be correct information. Whether my vote was correct or not, it was given upon the belief that in the negotiations then about to be begun at once, this amendment would prove an insurmountable obstacle to peace and union. Weighing in one scale the dead body of slavery, which was to be abolished by this amendment; and in the other, peace and union, and these latter, too, without slavery—could I do any thing else than doubt the wisdom of an amendment which would postpone peace and imperil the Union? But the speech, which I matured in advance of these hurrying events, is the test by which my motive and judgment are to be tried. I submit it to the reader:

Mr. SPEAKER: When we left these halls last year, there was a prospect that the administration of the Government would have been changed by the election. The political conventions of the two parties met. The party of the Administration made this amendment of the Constitution a part of their creed. They went before the people claiming the power to abolish slavery by constitutional amendment. Nowhere did the opposite party take ground against the power; everywhere they took ground against its exercise. The convention which met at Chicago adopted their creed. It called for a cessation of hostilities, but with one view, a national convention, in order to reestablish union. Not giving up the principles laid down in the Kentucky and Virginia resolutions of 1798 and 1799, when moved by my colleague [Mr. LONG] in the convention, which, rightly considered, constituted a main foundation of its political creed, it laid them on the table on my own motion, as abstractions unsuited to the demands of the agonized country. Regarding peace as the great practical need of the hour, the convention waived all other questions to reach that. How? By the Constitution, in its fifth article, which provides that a *national convention* shall be called for proposing amendments to the Constitution. This proposition of the convention was at once our weakness and our strength: our weakness when misunderstood by the people, our strength when rightly interpreted. My colleague [Mr. PENDLETON] ac-

cepted that platform. In casting my vote for him, I knew that he indorsed it. He indorses it yet. If he had been elected to that office, which he would have graced so well, we might to-day have been appealing to Legislatures, North and South, and not in vain to two-thirds of them, to call the convention at the will of the people. The North would have yielded and the South would not have held back. That my colleague and myself well know. In that august assembly the distinguished men from both sections would have been present. What would have been the scope of their action? What the subject of their debates? Need I ask? It would have been the settlement of all grievances, North and South; questions of debt, doubtless; questions of guarantee to State and municipal rights, doubtless; but beyond doubt, this *verata questio* of slavery, this *teterrima causa belli*, and the agitations and legislation growing therefrom.

Mr. Speaker, I read this morning, with what truth I know not, that a commissioner is now in Richmond with the confidence and assent of the Administration, meeting, perhaps, a commissioner on the part of the Confederate authorities; and the rumor is that they have agreed to call a national convention. [Sensation.] I know not whether there is any thing in it. My friend from New York who sits behind me [Mr. FERNANDO WOOD] says that there is not, and he is presumed to know more on that subject than I do. [Laughter.] If, in the providence of God, such a convention were called or were now in session, and this question came up in a full representation of all the States, who would think of disputing its power to modify, change, alter, and abolish, either at once or gradually, by constitutional amendment, the institution of slavery? Not a man. While, therefore, in a state of war, and with nearly half the States in default and absent, I may deny the wisdom of acting either by the one mode or the other, pointed out for the amendment of the Constitution in this particular—I will not deny a power so essential to peace, safety, and sovereignty. No ingenious refinement or dazzling eloquence shall lead me to deny a power which may yet prove our salvation, when wisely used. Who upon this side asks me to shut the door in the face of such a saving power? Let him remember that while the power may now threaten to destroy, the power to save is forever bound up with it. The power that can create, the same can destroy. Under the ribs of death at the last moment, this power may be invoked to create the heart and soul of union, and that, too, by the array of States in their sovereign capacity, as modified by their granted powers.

Do you tell me that such sovereignty can only guarantee, but cannot destroy property, either in man or beast, in land or house? If a convention of States can take jurisdiction to protect property it can to destroy. It is admitted that the States individually can do this. If by the Constitution they as States, all consenting to it, have provided a mode of doing it, what matters it whether it is done by them in their individual capacity or in their conventional capacity? Whenever two-thirds here agree to propose amendments and three-fourths shall ratify, either by convention or Legislature, the proposition is "a part of this Constitution." It is the States that do this in the first instance, all according in making the amendment clause; again by their convention in proposing; and again by rati-

lying. Therefore I join my colleague in singing hosanna to that principle of our government just denounced by the gentleman from Kentucky [Mr. SMITH] as so nefarious—the sovereignty of the States. I see here not one monster iron crown, like that of Lombardy, compelling, as from an omnipotent sceptre, the subject States, but each of the States making for itself a fundamental law or organic compact. Even by this amendatory clause the States pluck from their “round of sovereignty” each a crown jewel to form and decorate the Federal diadem. All the States, sovereign in their reserved spheres, drop their sceptres before the Federal emblem, in all cases where, as in amendments, the Constitution is declared the “supreme law of the land.”

Tell me not that this power is dangerous when left unlimited in the Federal head. All power is dangerous. It tends to abuse. This is no argument against its existence, only against its exercise. My colleague [Mr. C. A. WHITE] holds that the States can make him—now a free white man—a slave by local law. Is there a more dangerous power when exercised? It is worse than the power to create or destroy property. But he admits the power, if its place of lodgment is only local. If, then, the States can do this by local law, can they not do it in any other way they choose? They can by the same power make him again a freeman. Nay, more; there may be possibly a greater guarantee in an enlightened land against his being made a slave by the votes of the States, all convoked in the mode prescribed by the Constitution, than in the separate action of the States unassisted in their organic work by the prudence of their brother States.

My colleague [Mr. C. A. WHITE] says the States are unlimited and absolute in their sovereignty, and therefore the Federal Government is not sovereign. I bid him beware. Where does this doctrine lead? May not the States in their unlimited and sovereign convention, deriving their powers from the original consent of all, give up portions of their sovereignty, modify it, as Mr. Calhoun holds, by the amendatory clause? May they not thus speak the most potential voice of the people of the States in all affairs? It is the people of all the States who consent to amending the Constitution, and by a mode which allows two-thirds of both Houses to propose the amendment, which is to be sent to the Legislatures for the ratification of three-fourths. First and last and all the time, the States are the constituents of the Federal Government, and as such, and by their State action, they can create and they can destroy. I am of the State-rights school so far as this question is concerned, and of the strictest sect.

Mr. FERNANDO WOOD. I desire to call the attention of the gentleman from Ohio to the language of James Madison in the “Federalist”:

“That *useful alterations* will be suggested by experience, could not but be foreseen. It was requisite, therefore, that a mode for introducing them should be provided. The mode preferred by the Convention seems to be stamped with every mark of propriety. It guards equally against that extreme facility which would render the Constitution too mutable, and that extreme difficulty which might perpetuate its discovered faults. It moreover equally enables the General and the State Governments to originate the amendment of *errors* as they may be pointed out by the experience on one side or on the other.”

Again, sir, Hamilton says:

"For my own part, I acknowledge a thorough conviction that any amendments which may, upon mature consideration, be thought *useful, will be applicable to the organization of the Government, not to the mass of its powers*; and on this account alone I think there is no weight in the observations just stated."

Mr. Cox. The only comment I make upon the quotations of the gentleman from New York is this: Madison in the Convention opposed and voted against the proposition of Roger Sherman to except all internal police of the States from the amendments of the Constitution. The quotation is in harmony with his vote. For he only holds, as Judge Story holds, that the mode of amendment sufficiently guards the Constitution against mutability; and that the "amendment of errors" cannot be made without the concurrence of Federal and State Governments, in Congress and in State Legislatures. He did not expect that fundamental changes would be made—only "alterations;" but he does not deny that there is any limit to the power. This is no authority against the power, but an argument for it. Mr. Madison holds to the power because he believes it cannot be abused, owing to the restraints placed by the Convention upon its exercise. Further, I know, from having read the private correspondence of Mr. Madison, published in this city by Mr. McGuire, for private distribution, that he always held to the idea that the only mode by which a dissolution of the Union, or a secession of the States, could ever be legally accomplished was by this organic and all-powerful clause of amendment. He laid it down so broadly that it would even cover the remark I made the other day, considered so extravagant, that we might by the fiat of the States even build a monarchy upon the ruins of republicanism.

As to the quotation from Mr. Hamilton, I do not see its application. I am not prepared, without reading it carefully, to make a fitting comment. It strikes me that it does not limit the power of amendment. It is rather the expression of a strong conviction that all amendments will be and ought to be applied to "the organization of the Government, not to the mass of its powers," and that none others would be useful. I quite agree with the opinion. Now, with all respect, I appeal to my friend from New York, who belongs to the strict State-rights school of politics, and even stands so perpendicularly that many people believe that he leans backward, to consider the view of Mr. Calhoun upon this subject. I am sorry my friend from Connecticut [Mr. DEMING], who has the volume, has not brought it here this morning. The quotation will be found in his sixth volume, page 36. In 1828 the South Carolina Legislature asked the opinion of Mr. Calhoun upon this and kindred subjects. In that declaration of political power, drawn up for his State, he teaches that the people of that State by adopting the Federal Constitution had modified its original right of sovereignty, and that by its consent in becoming a member of the Union, that power had been placed in the hands of three-fourths of the States, in whom, he said, the highest power known to the Constitution exists. I do not give the quotation with that length and that emphasis which belong to it, but I will insert it in my remarks for the edification of my friend, who is a most earnest disciple of John C. Calhoun:

"In order to have a full and clear conception of our institutions it will be proper to remark that there is, in our system, a striking contrast between government and sov-



sovereignty. The separate governments of the several States are vested in their legislative, executive, and judicial departments, while the sovereignty resides in the people of the several States who created it; but by an express provision of the Constitution it may be amended or changed by three-fourths of the States, and thus each State, by assenting to the Constitution with this provision, has modified its original right as a sovereign, of making its individual consent necessary to any change in its political condition; and by becoming a member of this Union has placed this important power in the hands of three-fourths of the States, in whom the highest power known to the Constitution resides."

This extract is only strengthened by the context. I call on my friends of the State-rights school not to outdo their masters, but if they would save the most valuable and most abused principle of our Government, not to strain its intent, and thus destroy it altogether.

I am sustained in my view by the history of the convention which framed the Constitution. Was this question considered by the convention? It was. In Elliot's Debates, volume five, page 357, it appears that General Pinckney "reminded the convention that if the committee should fail to insert some security to the Southern States *against an emancipation of slaves and taxes on imports*, he should be bound by his duty to his State to vote against their report." Again, when the report was made, this clause of amendment came in on the 15th of September. It was discussed by Sherman, Morris, Gerry, Mason, and Madison. Mr. Sherman did not like the mode proposed, for fear it would, by three-fourths of the States, do things fatal to particular States, as abolishing them altogether, or depriving them of their equality. Colonel Mason thought it dangerous and exceptionable. Mr. Madison defended the present clause. Mr. Sherman moved to annex to the end of the article a further proviso, "that no State shall, without its consent, be affected in its internal police, or deprived of its equal suffrage in the Senate." Mr. Madison opposed it. It was lost—three to eight. Then Mr. Sherman moved to strike out the fifth article altogether. That too failed. The article was then further amended by the existing clause, that "no State shall be deprived of its equal suffrage in the Senate." (Elliot, volume five, page 352.) Thus it passed. The argument from contemporary history is therefore conclusive. The intention of the creator is the best criterion as to the character of the creature. Here we have it, not only implied by the absence of an exception, but by the positive disallowance of it by the convention. That intention was to limit the amending clause only in two particulars. This one before the House is neither of the two.

My opinion on this matter of construction is drawn from unexceptionable teaching; not alone from Judge Story; not alone from Calhoun. No man can teach me a different lesson until I forget the history of the Constitution. The platform of my party, and the philosophy of its founders, teach me the same thing. In the language of that platform of many years, adopted last at Cincinnati and Baltimore, I "maintain before the world this great moral element in a form of government, springing from and upheld by the popular will, which seeks not to palsify the will of the constituent;" and that is, that the Federal Government is one of limited power, derived solely from the Constitution and the grants of power made therein; that its powers ought to be strictly construed; and if upon such construction found therein, to be strictly pursued with all the vigor of their constitutional sanctions. Finding this clause of amendment in the

Constitution, with no doubt upon its features, I must bow to its supremacy. Even though I may regard it as clear and unquestionable, and admit the power in its fullest expression, I may yet claim that its exercise is dangerous and inexpedient. If it were a doubtful power, I would not think of exercising it; but since it is clearly granted, I shall consult my own judgment upon the merits of the proposed amendment. If, then, it be an exercise of an admitted power, why not confine the discussion to proving the unwisdom of its exercise? For two reasons:

I. I believe that the argument from lack of power to amend, is weaker than the argument against its expediency. It is a settled rule of logic that a fallacy, used in a good cause, gives your opponent the advantage of apparent success in the conclusion of the argument. I do not propose to give this advantage to the advocates of this measure. Believing that the power exists, I am bound to follow the example of my colleague [Mr. PENDLETON], and place my vote upon the reasons which weigh most in my judgment. I find that the learned commentator, Judge Story, regards this power of amendment as both useful and important. His reasons are radical. He says, page 678:

"It is obvious that no human government can ever be perfect; and that it is impossible to foresee or guard against all the exigencies which may, in different ages, require different adaptations and modifications of powers to suit the various necessities of the people. A Government forever changing and changeable, is indeed in a state bordering upon anarchy and confusion. A Government which, in its own organization, provides no means of change, but assumes to be fixed and unalterable, must after a while become wholly unsuited to the circumstances of the nation; and it will either degenerate into a despotism, or, by the pressure of its inequalities, bring on a revolution. It is wise, therefore, in every Government, and especially in a republic, to provide means for altering and improving the fabric of Government as time and experience or the new phases of human affairs may render proper, in order to promote the happiness and safety of the people. The great principle to be sought is to make the changes practicable, but not too easy; to secure due deliberation and caution; and to follow experience rather than to open a way for experiments suggested by mere speculation or theory."

Upon this philosophy he considers this power of amendment; finds in its mode of exercise sufficient checks against its abuse; but even if abused, he finds that it is better as a measure of safety than if the powers were limited. In his judgment there are no limitations upon its exercise except those specified; and the claim to abolish the internal policy of a State is not an exception. These reasons for the clause of amendment are the reasons why the power is so extensive. The mode of amendment was thought to be so guarded as to prevent any unrepudiated or monarchical amendments which would substantially change the genius and scope of the federal system of delegated powers. It is, nevertheless, unlimited, except in the two particulars specified.

This power of unlimited amendment is an element of democracy. It has been the characteristic of our democratic institutions that our ancestry, however prudent and wise, did not tie the hands of the children nor shackle their liberties by laws so irrevocable that no mode of change was allowed. In our State constitutions this power of amendment has been and is being exercised almost every decade. Why? On the principle of Jeremy Bentham (Benthamiana, page 220), that at each point of time the sovereign for the time possesses such means as the nature of the case affords,

for making himself acquainted with the exigencies of his own time. With reference to the future he has no such means. Bentham thus argues against the transfer of the Government from those who possess the best means to those who possess the least means of information. Shall the past century rule the present? No, not unless they are better informed or feel more interest in the future generation than their own. Why should we of the nineteenth century tie up the hands of the twentieth? Why should the dead forever rule the living? Is a tyranny inexorable because it is established in the past? Is a law immutable because made by the fathers? If the law be despotic, who then shall reverse it? From these general principles I deduce the reason why I choose to argue this amendment rather upon its unwisdom than upon the lack of power to make it. "It is only," Mr. Bentham says, "when the law is mischievous that an argument of this stamp will be employed to support it. Suppose a law a good one, it will be supported, not by absurdity and deception, but from its own excellency. A declaration that this or that law is immutable, so far from being a proper argument to enforce its permanency, is rather a presumption that such a law has some mischievous tendency." Now, Mr. Speaker, if our polity, which leaves all domestic questions to the State, be wise, as I think it is—eminently wise—not because it was made in 1787, but because it is suited to 1865, and our condition now as well as then, why weaken the argument for its continuance by discussing its irrevocable nature? Why not build its defence on its intrinsic excellency? Why not then, from this fortification, thunder your rifled artillery? Why, if it be so wise, exhaust your fulminations in trying to prove that we have no power to change it in the mode prescribed? It is in the light of these democratic truths that I read the fifth article of the Constitution. I construct my argument upon the perennial beauty, exquisite symmetry, and enduring perfection of that system which reserves to the local communities their local interests, the very genius of all permanency, the very element which secures us against that homogeneity so dreaded by the gentleman from New York [Mr. Brooks]; the happy accord of diverse interests, *E pluribus unum*, many as the waves in variety, but one as the sea in unity; stars upon one constellated ensign, each differing in glory, but upon the field of blue all emblematic of the harmony of the Federal system, springing out of the "brotherly dissimilitudes" of the mingled States! It is upon this foundation that I would seek, by reason and not by authority, to erect the argument for its preservation against radical change.

Does it follow, as my friend from Iowa suggested, that I weaken my argument against the amendment because I argue its demerits while acknowledging the power to amend? I may object to an alteration in my house, especially if it disturbs the foundation and general plan; but must I change it fundamentally because I am the proprietor and have the power? If it be true that a denial of the power is apt to be regarded as an apology for a mischief, do I not strengthen the argument by discussing the mischief? The mischief to be apprehended in this instance is not the abolition of slavery. It is the abolition by this amendment of our peculiar form and structure of Government. The argument which I desired to hear and meet should be directed to this point. Who cares, sir, whether slavery die or live, when the question is, "Shall the form and

substance of our Government perish?" Show me that the Government will perish or be imperilled if this amendment is not carried, and I will vote it though all the devils in the South and North should confront me with their wrath! Show me that by voting against it, I facilitate the reëstablishment of the Government in all its integrity, and my vote shall be against it.

Mr. KASSON. I rise in order to ask the gentleman if at this point, as well as anywhere in his argument, he will permit me to call his attention to a suggestion he made before, and which seems to have been touched upon by his last point more clearly than elsewhere; and that is the charge that the tendency of this amendment is the destruction of the form and substance of our Government. The form of Government we all understand; and even he will not contend that this amendment changes the form. Touching its change of substance, I presume he alludes to the charge he made the other day of its effect being a centralization of power. Am I right? Then I wish to ask him upon this point—that we may not be misled by a misapplication of terms—to explain what he means by such centralization. I will say what I understand by it. When I read, the other day, an extract from a letter of the original Convention which formed the Constitution, and unanimously adopted by them, this phrase occurred in it, "Consolidation of the Union," as the great object of the framers of that system of government. Objection was taken to it by the gentleman from Indiana [Mr. VOORHEES], but I take it in its length and breadth; and I call the attention of the gentleman from Ohio to the distinction between "consolidation" of the Union and the "centralization" of the Government. Centralization means when you take the power from the State and give it to the United States. But when you take it both from the States and from the United States there is not a particle of centralization of power. That is what this amendment does.

Mr. COX. Before I get through I will meet the statement of the gentleman. I would prefer to leave to the States individually and of their own separate motion, the question of abolishing slavery, and the inauguration of measures to that end. I believe this amendment, if carried out, will have a tendency toward consolidating power in the Federal head. Whatever it may be termed, I am opposed to compounding powers in the Federal Government. Whether the powers of the Federal Government be united in one department, or consolidated in the Union, I would decentralize such powers, take them from the Federal centre, and distribute them among the States and the people. If you consolidate or centralize powers here, you endanger by the excess of power the substance and form itself of our Government. The form will soon change to conform to the substance. But I will make that clear as I progress.

II. Another reason for discussing the question of power is, that it is the most valuable gift from the States to the Federal Government, if it be not an express reservation of the power in the States. Perhaps, as both Federal and State Governments take part in the amendment of the Constitution, the power to amend is both a reserved and a delegated power. Whatever it is, it is so valuable that I cannot surrender it. Not now. If ever peace comes, it will be through its exercise, upon this very question of slavery. I regard that Government with a constitution which has

not the liberty of amendment, as lacking the means of its own conservation. Such an amendment is a safety-valve, or governor, upon the engine of State. A State without it, is in perpetual danger of violent revolution. Such an amendment is a peaceful, legal, and salutary revolution. It is the beauty of our system of written constitutions that, like machines with a principle of compensation belonging to them, any irregularity may be corrected without breaking the machine or impairing the movement. Such powers of change save the State from such terrible red-handed revolution as that now upon us. Rufus Choate once described, as if he foresaw it, the present revolution "as a great sea lifting itself, with darkened sky, and not very imitable thunder; a tempest which overturns and successfully resists the existing public authority, arrests the exercise of supreme power, introduces by force, or by resort to a primary right of nature, a new, paramount authority into the rule of the State." Had this bloodless and legal revolution by amendment of our Constitution been wisely exercised upon this very subject of slavery, as Crittenden, Douglas, ay, even Toombs and Davis, insisted in 1860, we would not be fulfilling so sadly the magnificent picture which Choate painted of tempestuous and fratricidal strife!

Sir, when the statesmen of 1860 sought to exercise this power upon this subject of slavery, I gave my voice and vote for it. I know nothing now, but the fear of being misjudged by partial friends about me, that should deter me from again asserting the power which, with my colleague [Mr. PENDLETON], I then assumed. He bravely resists the popular current to defy its exercise now; I humbly do the same. But this I will not do, discard my own words and throw aside a once cherished principle of government because its present exercise may be an outrage upon the sense and patriotism of the country.

When I first came to this Congress with my colleague, we came under the odium of "pro-slavery;" we came defending the position of Douglas, that Congress had no right to interfere with slavery, *under the Constitution*, in States and Territories. We claimed non-intervention as both wise and constitutional. Again and again, when anti-slavery and pro-slavery zealots demanded congressional action, we said, "No, no; there is no power under the Constitution to abolish it or protect it. It is local, not Federal; State, not national. If you would touch it, either to extend or limit, abrogate or institute it, first *change the Constitution*." Again, when discussing questions connected with the power of a State over the subject of black immigration, I have denied all power to Congress, to the President, to the army, to interfere with this subject, because it was not so written in the Constitution. I said, "Amend that instrument first, if you would thus break down the incontestable rights of the State under the Constitution in such matters." Denying ever the propriety of its exercise, I have never heard the power denied. Am I to ignore the power because foolish fanatics may rule in its exercise? Mr. Buchanan, in his message of December 4, 1860, proposed to save us from war by slavery amendments, which he called peaceful and constitutional remedies. Who objected to the exercise of such remedies for want of power? No one except gentlemen opposite, who declared it to be monstrous and illegal, against the laws of God and man, fundamental and irreversible.

Mr. JOHNSON, of Pennsylvania. I desire to ask the gentleman from Ohio a single question at this point. He refers to the message of President Buchanan. I desire to ask him whether the recommendation of Mr. Buchanan did not apply to the question of slavery in the Territories, and not at all to the question of slavery in the States?

Mr. COX. The recommendation of Mr. Buchanan, which I hold in my hand, applies to both. But even if it is only applied to slavery in the Territories, the question of slavery was the subject-matter of the amendment.

Mr. JOHNSON, of Pennsylvania. If I recollect aright, at the time, the question of the disturbance of slavery in the States was not agitated at all. It was denied by the Republican party that they intended in any way whatever to interfere with the question of slavery in the States; and it was only the question of slavery in the Territories and beyond the limits of the States which was agitated in Congress at that time. It is since the inauguration of this Administration that the question of the abolition of slavery within the States has grown up in the country.

Mr. COX. That will do for the gentleman; because I have the recommendation of Mr. Buchanan upon that subject here. It is more authentic than even his good memory. It is as follows:

"An express recognition of the rights of property in slaves *in the States* where it now exists or may hereafter exist."

As my valued friend will perceive, this was not a question of the abolishment of slavery. It was, however, a question which touched, through a constitutional amendment, the institution of slavery in the States. The gentleman says the recommendation was confined to slavery in the Territories, and did not reach that in the States. He will perceive his mistake. I am not anxious to raise a discussion with my friends upon this side of the chamber, but I am entitled to be consistent with the record I have made for eight years here. I have always claimed the right to pass upon the slavery question by an amendment in pursuance of the fifth article of the Constitution. I have sought only to make its exercise judicious. The abolitionists only declared, in 1860, against "any express recognition of the right of property in man in the States where it now exists, or may hereafter exist." Then the abolitionists made the argument of my colleagues [Messrs. ASHLEY and PENDLETON]. They denied the power. It was and is so easy to argue against the power to do a thing which we do not like. When Mr. Buchanan, referring to the amendment clause, proposed to extend its operation to protect this right in the Territories until admitted as States, and a like recognition of the right of the master to his escaped slave, who objected? Who? Not my colleague [Mr. PENDLETON] and myself. For though we might have agreed with the decision of the Supreme Court in Dred Scott's case, we desired such principles established in the fundamental law. Why? Because it was recommended, to use the language of that day, "as an explanatory amendment which would forever terminate the existing dissensions and restore peace and harmony among the States." Those who desired not to terminate our troubles, or to keep peace and avert war, denied the power to enslave or to recognize slavery. This side of the House labored, O how

nobly, but how vainly, to have the compromises of that dark hour written with a pencil of light on the organic law, by the unimpeached power of amendment, that North and South might dwell in accord forever.

Again, on the 28th of February, 1861, in the hope of allaying the fears of Southern men, a joint resolution was passed with my colleague's [Mr. PENDLETON's] sanction and vote—yeas 133 to 65 nays—providing for an amendment in the mode prescribed by the present joint resolution, as follows:

“ART. 12. No amendment shall be made to the Constitution which shall authorize or give to Congress the power to abolish or interfere within any State with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State.”

This was voted for by South and North—Douglas, Crittenden, Pugh, Boccocke, and Hunter. What did it mean? I do not ask what was its intention as a remedial measure; as a bill to quiet title; as a peace measure. It did two things: first, it assumed to speak by amendment on a domestic question; secondly, in the very substance and body of it, it recognized, without dissent from a single voice, the power to amend by abolishing slavery in States, and it sought to checkmate that power by adding it to the exceptions of the fifth article. It was as if it said, “Congress, by the mode prescribed, may propose amendments which shall be valid as a part of this Constitution, provided no amendment shall be made as to the *abolition of and interference with slavery.*” Truly my colleague was right in requiring, as a peace measure, such an expression as an exception to the general power of amendment. He knew the old maxim of construction, “The expression of one thing is the exclusion of another.” As the Constitution had excluded two subjects from amendment, and had failed to exclude the abolition of slavery as sacredly unamendable, it follows that the power to abolish was given in the general grant. But the argument drawn from my colleague's former vote or opinion is not conclusive, except upon him, and only upon him on the frailest of all arguments, that, once in favor of a thing, he should always be in favor of it. I shall be the last to press the *ad hominem* upon him. I need not recall to the House the propositions of Mr. Crittenden or their tenor. In the preamble their object is stated. They were intended to allay “dissensions concerning the rights and security of the rights of the slaveholding States.” They proposed to do this by constitutional provisions. Above the latitude of 36° 30' slavery was prohibited; South it was recognized and protected. They denied to Congress the right to abolish in the District and in the States where the United States had jurisdiction. They proposed to protect members of Congress and other Federal officers in bringing their slaves here, to protect the inter-State slave trade, and to pay for fugitive slaves in certain cases. As if this were not enough to show the power over this subject by amendment, and because these statesmen of 1860 knew the power existed to abolish slavery in the States, they provided:

“No future amendment of the Constitution shall affect the five preceding articles; nor the third paragraph of the second section of the first article of the Constitution; nor the third paragraph of the second section of the fourth article of said Constitution; and no amendment shall be made to the Constitution which shall authorize or give to Congress any power to abolish or interfere with slavery in any of the States by whose laws it is, or may be, allowed or permitted.”

Thus they strove to make the lines of slavery irrevocable by amendment; to forever preserve the three-fifths representation of slaves and the provision for the return of fugitive slaves. Who questioned the power then? Not my colleague. Not a man on this side in Congress then or now. Oh! it was then to be used for a patriotic purpose; for salvation, and not for destruction. But is it less a power? Am I to give up the sweet shine of the sun because it may breed malaria? Am I to surrender the benignant element of fire because it may consume as well as comfort? Am I to be driven by the accidents of war, or the vicissitudes of time, to change my opinion of the Constitution and its powers? *Abusus non tollit usum*. I will cling to the power, and make my argument, when and as I choose to make it, against its abuse.

Again, the Peace Convention sent its proposition to Congress, inhibiting any amendment of the Constitution on most of the subjects connected with slavery above recited. They were offered in the House on the 1st of March, 1861. I remember well that I was detained from the House by illness. I was not here to vote for them with my colleague [Mr. PENDLETON], but his name is enough. I find it there, asserting these powers under the amendment clause—which he now denies—while you, Mr. Speaker, together with my colleague [Mr. ASHLEY], along with the secessionists, treated them as unworthy of your sanction. Why? Because you were not actuated by the genuine patriotism of my colleague before me, whose love of the whole country led him to defy the taunts of secessionists and the jeers of abolitionists, and to march boldly up to the exercise of the power now asserted by my colleague [Mr. ASHLEY] in one case and denied by my other colleague [Mr. PENDLETON] in the other.

Gentlemen have heard of the Committee of Thirteen. It consisted of men of every shade of political opinion: Messrs. Powell, Seward, Collamer, Bigler, Hunter, Toombs, Davis, Rice, Crittenden, Douglas, Wade, Doolittle, and Grimes. They agreed upon no plan. But many plans were proposed, and all under the amendment clause. Do gentlemen tell me that these propositions were unconstitutional? Were they usurpations of power never conceded? Strange that Mr. Hunter, the biographer of Calhoun, and Mr. Davis, his follower and disciple, did not discover it! Strange that Mr. Hunter should have proposed that Congress should pass no law in relation to slavery, except by the consent of a majority of the Senators and Representatives of the slaveholding and non-slaveholding States, thus yielding the power with qualifications! Can this be yielded and yet the power over slavery in the States be above all amendment? Or must my colleague take refuge, as he did, in a higher law? Strange that Douglas should have proposed to punish conspiracies against slaveholders and their property! Strange that Davis should have proposed, by amendment of the Constitution, to recognize slaves as property in transit or sojourn! But why weary the House with these recitals? They prove this, that the strictest sect of Southern statesmen acknowledged the power by amendment over this subject, and sought to exercise it, and sought further by amendment to prevent its exercise when it might impair or destroy their institution! Is my colleague a better State-rights man than Jefferson Davis? Or, to drop to the other extreme, does he, *nunc pro tunc*, join my other colleague [Mr. ASHLEY], who then denied, and yet



denies the power by amendment to establish slavery as un-republican? It was with some amusement that I listened to my two colleagues [Messrs. PENDLETON and ASHLEY] yesterday. How adroitly the Democratic member thought to catch the Republican. How he plied him to admit the power to establish slavery! How shrewdly my colleague on the other side evaded! On the other hand, members on the other side sought to entangle my colleague [Mr. PENDLETON] with some of his former votes! How both evaded the issues presented in their former positions! while the humble member who now addresses you, sir, sat complacently consistent amid the melodramatic performance, ready to admit the power of amendment unlimited, to change the fundamental law, under the guards and modes prescribed, even to the establishment of slavery or a monarchy—of entire freedom or entire democracy. Both of my friends deny this as extreme and heterodox: the one, because he would have nothing but limited *republicanism* as the form of our Government;—that is my Democratic colleague who is so republican; the other, because he would have nothing but sweeping democracy as the basis of our Constitution;—that is my Republican colleague who is so democratic. The wishes of each color their present arguments as to the power. When slavery is to be guaranteed, my colleague from Cincinnati believes with me in the power to amend, and my colleague from Toledo denies it. When it is to be abolished, my colleague from Toledo believes with me in the power to amend, and the other denies it. Both deny the power when slavery is to be affected, and both admit it when slavery is to be affected. I have them both on either side and each on both sides and both with me. I accept the power in either case as they claim it, but go beyond them both; for I stand on a principle. They are enamored of the power only when one case is absent. Like the fond lover of two maidens, they love the one “when the other dear charmer’s away.” [Laughter.] Yet they are unfaithful to both, because they are so attached to either—unfaithful because they are not upon the principle. I can extend to them (as a member from New York used to say here in olden times), from the serene Olympian heights of my cerulean consistency, the eternal principle of republicanism and democracy which will reconcile them both to duty and the Constitution. [Laughter.] Both my colleagues hold, that to concede the power and exercise it in certain cases is to *subvert* the Constitution. If slavery is to be protected, the member from Toledo believes the Government destroyed. His only appeal is to the sword of revolution. Never would he consent that the power to amend should include the power to establish slavery in Ohio; never. He would sound the tocsin of inevitable resistance. If slavery is to be abolished by the same power, the other member blows the trumpet and beats the drum to revolutionary defiance. Both march to the same discordant music, when if they would take Calhoun, Story, or their own practice and principles, only changing the time of their application, they would find in the granted power to amend, an unlimited authority as to the matter and only limited as to the mode. I follow no such counsels. “You can change, but cannot *subvert*, by amendment,” says my friend before me. Ah! pray who is to judge of what is subversion and what is change? If I leave the question to my colleagues, one will regard the guarantee and the other the abolition of slavery as subversion and not

merely change. My colleague [Mr. PENDLETON] derives, unconsciously, his language from the South Carolina declaration of independence of December 24, 1860. It says :

"Observing the forms of the Constitution, a sectional party has found within that article, establishing the executive department, the means of *subverting* the Constitution itself. The sectional combination for the *subversion* of the Constitution has been aided by the elevation of the blacks."

The other member [Mr. ASHLEY] regards the denial by South Carolina of President Lincoln as the legal President as the very essence of *subversion*, and the denial of franchise to the blacks as subversive of republicanism. He therefore strikes out the word *white* in his reconstruction bills. Where gentlemen so eminent disagree as to what is subversion and what is change or amendment, where is the tribunal to decide? I answer, in Congress by two-thirds of both Houses, and in the States by three-fourths of the Legislatures, and in the intelligent sovereignty of the people of each State who have, *in limine*, consented to this mode of amendment.

Believing in the power of amendment, I am willing to judge of the wisdom of the propositions before I vote to submit them. This discretion is a part of the discretion of the Congress. It is one of the checks which the minority have against the passion and malice of the majority. Nay, more, the checks against the exercise of this power unwisely are threefold : first, two-thirds of both Houses must agree to propose amendments ; or second, two-thirds of the Legislatures must propose a Convention ; and third, after all that, the Legislatures or Conventions of three-fourths of the States must ratify. Judge Story elaborates this argument, and makes it unanswerable as against the dangerous abuse of the power. Thus restricted, the power of amendment is unlimited. No danger of monarchy ; no danger of the King of Dahomey, which startled gentlemen when I used his majesty to illustrate my extreme position ; no danger of striking down the republican form of government without a contest in which two out of three members of both Houses of Congress shall inaugurate the measure, and the States, three out of four, are to be consulted for ratification. Am I answered that it is undemocratic to allow this power? I answer, it is only undemocratic to disallow it. All the States concede it, and the State-rights man is content. All the people in the several States pass upon it, and the Democrat is content. Democracy places its trust in the intelligence of the people and the sovereignty of the States ; and thus trusting, even in the valley of the shadow of national humiliation it fears no evil.

While, then, I concede the power, do I fear that the amendment may pass and become a law in spite of all the guards thrown around it? I do not fear any open march toward monarchy or despotism. I fear in time of war and the passionate strife it begets that this amendment may radically change the Government ; that it may by force, fraud, by indirection, and by an unfair count of States, be made to change our polity. Because such amendments, interfering in home affairs by the Federal power, tend toward consolidation, I am against them. My colleague [Mr. PENDLETON] himself will admit that an amendment may be made even to the very system of government, legitimate in its operation, which may do

this. You can amend the Constitution as to the distribution of its powers so as to place the Judiciary and the Legislature in the hands of the Executive. Thus you compound power. When these departments are made one—whether that one be legislative, executive, or judicial—as they may be by amendment, it is Jefferson's definition of tyranny. Who will doubt the power of amendment to do this? And yet who so base as to propose it here, or, if proposed, to ratify it? It is by these delusive moral radical reforms, reaching into home affairs by the Federal power, that I fear most the destruction of our Government. Hence I am jealous of the exercise of the power to amend, and especially in this instance. But if the people of the States even choose to abuse their power to amend and destroy their Government, who can say them nay? If they are foolish enough to call in a king, or connect religion with State, or declare polygamy the corner-stone of public liberty, who shall deny them, provided they follow the mode they themselves have ordained to make the organic law? A gentleman [Mr. KASSON] thought that I conceded away the argument against this amendment when I admitted the power. He argued that, the power admitted, there was nothing left but to send it to the States. If the power exists, am I not, as one of the two-thirds of Congress, to consider the wisdom of its submission? Thus only I comply with the Constitution. Why require Congress to pass on it if I am to yield my judgment in proposing, to the judgment of the ratifying power? Do we come here to play the puppet? I will pursue strictly the power given, and if I think best, let the elector in the State or the member of the Legislature judge. Congress chooses; we are sent here for that purpose by the people; and they would account us faithless not to judge of the proposition in the first instance before we sent it to the States for approval.

When efforts were being made in the winter of 1861 to avert secession and war, I had a definite idea of the inexpediency of abolishing slavery in the States. So had the Republican members. The whole House, on the 11th of February, 1861, on the motion of Mr. SHERMAN, "resolved that neither the Congress of the United States nor the people or governments of the non-slaveholding States have the *constitutional* right to legislate upon or interfere with slavery in any of the slaveholding States." This was a reaffirmation of the Republican platform of 1860. All agreed that it would be wise to let it alone, as the Constitution gave no right over it. But the power to amend the Constitution was not questioned then. The graceless inexpediency and suicidal unwisdom of Congressional action only was affirmed by the resolution. The unconstitutionality of such action was declared. Upon that we upon this side have stood in denying all power over the subject by emancipation and confiscation, either by the military or civil power, by the executive or the legislative. We trace to the breach of this resolution, reaffirmed in the Crittenden resolve in July, 1861, the prolongation of the war by the division of the North and the union of the South. The amendment now proposed is the culmination of this suicidal policy. If the steps to it are unsound, what can be said of the consummation?

While, therefore, Mr. Speaker, I have differed with great diffidence from my colleague [Mr. PENDLETON] as to the power of amendment, and

have pursued thus far a different path from his, I shall reach the same end; or rather, my humble way leads into the highway in which we shall travel together on the inexpediency and anarchical character of this amendment. I join with him, natives as we are both of the free State of Ohio, in repelling with honest scorn the imputation that because we disfavor this amendment we favor slavery or rebellion. We are not unused to such irrelevant and contemptible insinuations. Together, in 1856, we came to these halls. We are all that is left of the Democratic members of the thirty-fifth Congress.

Mr. PENDLETON. And we are not left.

Mr. COX. True; like stormy petrels, tossing upon the angry waves of sectional agitation, we are at last overwhelmed in the flood of fanaticism. We are the last roses of the Democratic summer. [Laughter.] But, Mr. Speaker, although we may not be upon the same branch, we are still together upon the same rose tree. [Laughter.] It would illy become us, in the close of our career here, to differ upon any thing except upon the most vital urgency. In one thing we have never differed, and do not now; we have neither discussed slavery nor encouraged rebellion. Certainly we have never favored slavery or its agitation.

Speaking for myself, slavery is to me the most repugnant of all human institutions. No man alive should hold me in slavery; and if it is my business no man, with my consent, shall hold another. Thus I voted in 1851, in Ohio, with my party, which made the new constitution of my own State. I have never defended slavery; nor has my party. Members have defended it, as the gentleman from New York [Mr. FERNANDO WOOD]; others have attacked it, as the other member [Mr. ODELL] on my left; but neither of these has conformed to Democratic practice and precedent. When I say this, I but speak the tenets of the Democracy assembled in convention for the States and for the Union. Is it answered that the gentleman from New York [Mr. BROOKS] has this session defended the institution? That gentleman did not pretend to speak for the Democratic party. Indeed he does not profess to speak for it, but rather as an old-line Whig, having now his views independent of all machines of party. The last session he held that slavery was dead. Gentlemen should not object to his eulogizing the deceased, but by so doing he does not intend, nor does he, if he intends, commit any Democrat to his moral convictions.

What I desire is, not that gentlemen should debate the question of slavery or anti-slavery, but of the power we have over it, and of the propriety of its exercise either now or at any time. The gentleman from Vermont [Mr. MORRILL] asks, "Do you gentlemen from the free North intend to battle for slavery after the South is ready to abandon it?" We answer, "*Principiis obsta.*" Mr. Davis and his coadjutors may do as they please; we do not battle for slavery nor against it. We cling to the system of our Government "as the bond of unity in the past, as the only bond of union in the future, the only land lifted above the waters on which the ark of Union can be moored. From that ark alone will go out the dove blessed of the Spirit, which shall return, bringing in its mouth the olive-branch of peace." Not for Jefferson Davis, not for Virginia, but for our own States, our own Government, do we stand on the principle of

self-government over State affairs, and against the use of the power of amendment to change that principle. My doctrine is better stated than I can state it, in the speech of Judge Thomas, of Massachusetts, from which I quote, when he says :

"Whoever else may falter, I must stand by the Constitution. I am not wise enough to build a better. I am not rash enough to experiment on a nation's life. There is to me no hope of our country but in this system of many States and one nation, working in their respective spheres, as if the divine hand had moulded them and set them in motion. To this system the integrity of the States is as essential as that of the central power. Their life is one life. A consolidated Government for this vast country would be essentially a despotic Government, democratic in name, but kept buoyant by corruption and efficient by the sword. Desiring the extinction of slavery with my whole mind and heart, I watch the working of events with devout gratitude and patience. By no rash act of ours, much less any radical change in the Constitution, shall we hasten the desired result. If in the pursuit of objects, however humane; if beguiled by the flatteries of hope or of shallow self-conceit; if impelled by our hatred of treason and desire of vengeance or retribution; if seduced by the 'insidious wiles of foreign influence,' we yield to such change, we shall destroy the best hope of freemen and slave, and the best hope of humanity this side the grave."

The Federal system, unamended, embraces three classes of functions: first, those concerning the relations of the United States to foreign nations; second, those concerning the relations between the States and their citizens respectively; and third, certain powers which, though belonging to the same departments of Government, to be useful and effective must be general and uniform in their operation throughout the country. The effort is now to make the abolition of slavery a function of the national Government. If you begin upon this domain, where is the limit to the exercise of this plenary amendatory power in domestic affairs? Should we amend the Constitution so as to change the relation of parent and child, guardian and ward, husband and wife, the laws of inheritance, the laws of legitimacy? Because we have the power must we seize it? Where will it end, when once begun? Is it, then, a question of slavery, or is it a question of home freedom in home affairs; a State question in State affairs; a police question, concerning municipal and not Federal institutions? If we may change the relation of the blacks to the whites in one respect, may we not in another? May we not change the Constitution to give them suffrage in States in spite of all State laws to the contrary? Must we not amend the Constitution to allow the importation of freed blacks into States like Illinois and Indiana? Must we not declare all State laws based on their political inequality with the white race null and void? If you begin with this amendment, what laws are to be passed to carry it out? Do you not break down, by this amendment, the distinction between the spheres of the State and national Governments, which is characteristic of our system, as old as our Union? If so, are we not asked to change the system, rather than to abolish slavery?

Hence, I do not place my suggestions about this measure on any ground of the immutability of the Constitution, or of our peculiar system. I place my vote against it, because the system it would change is a good one, made in wisdom and to be perpetuated for the future happiness of the people. If the system of internal police over State matters is not of value, discard it altogether. Deny to Ohio her right to declare who are born in wedlock, and who may inherit estates; deny to us the right to have our

home courts for home justice; centralize all power here, in one head, and make the federation a despotic tyranny. I may admit the wrong of slavery. It may be heinous in sight of God and man. I may admit the power by amendment to abolish it. I am a radical Democrat, and believe in amendments of all organic laws in pursuance of the mode prescribed. I may admit that such an amendment would impair only for a brief time the checks and balances, the very substance and essence of our federative system; and yet I ask you, on the other side, whether, if I believed that this amendment would place an impediment, insuperable to the restoration of the Union, I ought to vote for it? *If I believed that the rebel authorities would not meet us in convention, and would stand out against the Union on their independence, I might consider anew what I ought to do.* I have no authentic information in that regard. So long as there is a faint hope of a returning Union, I will not place obstacles in the path. I will rather illuminate, cheer, and clear the pathway to the old homestead. If I believed, Mr. Speaker, that peace could be restored with the Union by the abolition of slavery, I would vote for it. All I do and all I forbear to do is to save our imperilled Government, and restore our priceless Union. Show me that that will be the result, and I will vote for your amendment. But, as it stands to-day, I believe that this amendment is an obstacle to the rehabilitation of the States. So believing, I cannot give my vote for it, nor would any honest patriot ask me to give a vote for a measure which I believe would bring about a separation or delay the union of the States.

But if it is determined in the South, as it seems to be, that rather than fail in independence, slavery shall go, I for one, as a Democrat, shall be ready to reconsider my resolution. The party to which I belong loves the Union as dearly as the South loves slavery. If they can let slavery go for independence, the Democracy can for the sake of the Union. If the South refuse to meet us in convention and abide by its arbitrament, then there is no hope for slavery. If the South obtain independence, it will be by freedom to the slaves and their enrolment as soldiers. If they do not obtain their independence, between the collisions of the belligerents the institution will be gone, and then it matters little what becomes of this amendment, so far as its own peculiar subject is concerned. So far as the Union's slaveholding States are concerned, they are rendering this amendment useless. Missouri yesterday almost unanimously voted to abolish slavery. Maryland has already done it, whether by force or freedom it is not now my purpose to inquire. Kentucky will be enforced to do the same. What remains? Little Delaware. She had in 1860 eighteen hundred slaves, and the enlisting agents have mostly sold them out to this humanitarian Government for soldiers, costing \$150 apiece in Delaware, and selling for \$1,000 in New York! Surely Delaware will soon be free!

It may, with some propriety, be urged that slavery is already dead. It has the seeds of speedy dissolution. The blows of war are breaking down its panting, exhausted body. If, then, as it is said by the gentleman from Vermont [Mr. MORRILL], slavery is dead, what is the object of this amendment? That distinguished gentleman told us the other day that, like Pharaoh and his hosts, the South had rushed with slavery into the Red Sea

of war, and that slavery was destroyed. Well, if that be the case, if slavery is dead, where is the necessity for invoking this extraordinary power of amendment? My friend from New York [Mr. ODELL], who also spoke so well in defence of his views, said that although it was dead he wished to give it a constitutional burial. I am not much of a biblical scholar, but I believe that we have no authentic record of the fact that after Pharaoh and his hosts were destroyed in the Red Sea, the children of Israel met together upon its shores, in grand convocation, and, after listening to Aaron and the other orators, passed resolutions somewhat like this amendment, to wit:

"Resolved, That neither Pharaoh nor his hosts, except as a punishment for crime whereof they shall have been duly convicted, shall hereafter exist within the jurisdiction of the children of Israel." [Laughter.]

What would be thought of the children of Israel for passing such a resolution after the decease of Pharaoh? My friend from New York [Mr. ODELL] belongs to the new and kind dispensation, and would give the deceased slavery a constitutional burial. What would have been thought of the children of Israel if, after they had fished out Pharaoh's dead body, they had proceeded solemnly to give to it a constitutional burial? [Laughter.] Hence this amendment, according to the argument of gentlemen on the other side, amounts to nothing. It is a mere *brutum fulmen*. It is only the register, in other words, of what the war power with its blows is accomplishing, day by day. If gentlemen opposite really believed that slavery was dead, they would not bring in this amendment. They do not believe it. But there are men on that side of the chamber who will not favor a restoration of the States until this amendment shall have become an organic law. Therefore it is that they pertinaciously press this matter, even while negotiations are going on for the return of the States to a national convention, and for the return of peace and fraternity among the States.

Is it said that this amendment is needed to anticipate the South, and thus secure the smiles of civilized Europe? I trim my votes for no such delusive gales. The Powers of Europe will not be less eager to dis-sever our Republic in the event of abolition by us than now. The philanthropy of Europe is very problematical. Let us take care of ourselves. Let us preserve the form and functions, and thus the strength, of our Government; and the unity of our States will be as hard to break as the ridges of our everlasting mountains!

"Our Union is river, lake, ocean, and sky;  
Man breaks not the medal when God cuts the die!"

## VIII.

### THE CABINET IN CONGRESS.

ITS CONSTITUTIONALITY—THE PRACTICE AND PRECEDENTS—INFORMATION DERIVABLE FROM THE ADMISSION OF THE CABINET—ABSORPTION OF THE POWER OF THE LEGISLATURE BY THE EXECUTIVE—ITS EFFECT ON STATE RIGHTS—TIME OF WAR UNFORTUNATE FOR SUCH A CHANGE—DANGERS OF INTIMACY BETWEEN LEGISLATIVE AND EXECUTIVE DEPARTMENTS—VETO POWER—CUSTOM IN OTHER COUNTRIES—RELATIONS OF THE DIFFERENT DEPARTMENTS—BRITISH CONSTITUTION IN THIS RESPECT—ITS HISTORY—ENGLISH HABITS IN PARLIAMENT—TITLIEBAT TIMMOUSE, M. P.—A CABINET PICTURE—ELEVATION OF PARLIAMENTARY ORATORY AND STATESMANSHIP.

*Delivered in the House of Representatives, January 26, 1865.*

"Men are naturally propense to corruption; and if he whose will and interest it is to corrupt men, be furnished with the means, he will never fail to do it. Power, honors, riches, and the pleasures that attend them, are the baits by which men are drawn to prefer a personal interest before the public good."—*Algernon Sidney.*

THE House having proceeded to the consideration of the joint resolution reported by Mr. PENDLETON, to provide that the heads of Executive Departments may occupy seats on the floor of the House of Representatives, Mr. COX said: Mr. Speaker, the House is under obligations to the committee for presenting this measure. Great good and no harm will come from a free and full discussion of the distribution of the powers of the Government. In all innovations the burden is upon those who propose them to show their utility. The committee have proposed to change the machinery of our Government in two ways: first, that the heads of Departments shall have at all times the right to occupy seats and participate in debate upon all matters relating to the business of their departments; secondly, that on two days of the week they shall attend the House and give information on all questions submitted to them. I propose to discuss the question in the following order: First, to answer the report; second, to show the dangers of this innovation.



I. To answer the report. Under this head I consider, first, the constitutionality of the measure. The committee entertain no doubt on this head. There is no provision against it in the Constitution, and it is regarded as part of that power by which "each House may determine the rules of its proceedings." I will not contest our power to pass the resolution. But the discussion of its merits will show that its passage will be an infraction of the spirit if not of the letter of the Constitution, which provides that no "person holding any office under the United States shall be a member of either House during his continuance in office." The same reasoning upon which this clause of disqualification is founded should forbid the admission of the Cabinet into Congress, either to debate or answer inquiries. I shall show that there is a stronger reason for the rejection of this measure than for the rejection of the Cabinet as members. That stronger reason is, that in case of membership they are liable to expulsion and censure, responsible to their constituents, who hold over them the rod of public opinion, backed by suffrage; while in the other case they are responsible to no one for their official tenure but the Chief Executive, whose subordinates and servants they are. A hundred censures cannot move them from their places. So long as they suit the President, they can condemn the severest criticism and loudest anathemas of Congress. When this clause of disqualification for membership was adopted it met with no opposition in the Convention. So says Judge Story. He adds further:

"It has been deemed by one commentator an admirable provision against venality, though not perhaps sufficiently guarded to prevent evasion. And it has been elaborately vindicated by another with uncommon earnestness."—1 *Story*, p. 810, sec. 440.

And here it may be proper to say that the committee have invoked the wisdom and learning of Judge Story to sustain their views. This is a mistake. The committee have quoted only the arguments presented by him in favor of that side. He states, with equal point, the arguments upon the other, leaving the decision to the judgment of the student. The committee have not done justice to the question in thus presenting the case. I will supply the omission by citing the omitted portions:

"The other part of the clause, which disqualifies persons holding any office under the United States from being members of either House during their continuance in office, has been still more universally applauded; and has been vindicated upon the highest grounds of public policy. It is doubtless founded in a deference to State jealousy and a sincere desire to obviate the fears, real or imaginary, that the General Government would obtain an undue preference over the State Governments. It has also the strong recommendation that it prevents any undue influence from office, either upon the party himself or those with whom he is associated in legislative deliberations."

And after the passage quoted by the committee, he proceeds to say:

"Such is the reasoning by which many enlightened statesmen have not only been led to doubt, but even to deny the value of this constitutional disqualification. And even the most strenuous advocates of it are compelled so far to admit its force as to concede that the measures of the Executive Government, so far as they fall within the immediate department of a particular office, might be more directly and fully explained on the floor of the House. Still, however, the reasoning from the British practice has not been deemed satisfactory by the public; and the guard interposed by the Constitution has been received with general approbation, and has been thought to have worked well during our experience under the national Government. Indeed, the strongly marked parties in the

British Parliament, and their consequent dissensions, have been ascribed to the non-existence of any such restraints; and the progress of the influence of the Crown, and the supposed corruptions of legislation, have been by some writers traced back to the same original blemish. Whether these inferences are borne out by historical facts is a matter upon which different judgments may arrive at different conclusions; and a work like the present is not the proper place to discuss them."—1 *Story*, pp. 818, 814.

So that we may draw from these citations four reasons against the measures proposed by the committee: first, the extreme party dissensions, owing to the presence of executive agents in the House; second, the progress of the undue influence of the Executive; third, the corruptions of the Legislature; fourth, a well-grounded jealousy of Federal predominance over State Governments. But to me the principal reason is the undue and corrupting influence of such a connection upon both the Cabinet and Congress. If this reasoning be found valid, then the Constitution is violated in its essential spirit by the disturbance of that healthful equilibrium between the Legislature and Executive which it was designed by the framers of the Constitution to avoid. But of these points I will speak particularly hereafter.

Second: The practice and precedents referred to by the committee.

The committee appeal to legislation and practice—to the law of 1787—authorizing the head of the Treasury to make report in *person* or in writing, to either branch. Because of these precedents they regard the power as unquestioned. The fact that this law and custom, used in 1789 by the Departments of State and of the Treasury, and yet unrepealed, has fallen into desuetude, is rather evidence that not only has the guard of the Constitution been regarded as salutary as against membership, but, by "general approbation," against the *entrée* of the Cabinet into the debates and deliberation of Congress. At least, as Judge Story says, the reasoning from the British practice has not been deemed satisfactory by the public. In fact, as I shall show, the British experience led to their exclusion here. And yet the "rules," say the committee, "now recommended are almost identical with those of the British House of Commons." The gentleman from Vermont [Mr. MORRILL] has most thoroughly answered this portion of the report.

Third: As to the influence of the Executive upon the Legislature. The committee state that the object of the resolution is to influence legislation by the Executive. They would recognize that influence and give it *authority*. Assuming that such an influence will, does, and must exist, they propose to make it open, official, and honorable, instead of secret, unrecognized, and liable to abuse. This sort of argument would find its par value in an argument like the following: Robbery in the shape of burglary will exist. It is all wrong, but it exists. Let us recognize the fact, and by law make it open, honorable, and authoritative, instead of secret, nocturnal, and liable to be abused. Let us authorize highway robbery as something bold and romantic. Or, prostitution exists, secret and dangerous; let us license and legalize it; and the practice, so deleterious when secret, will lose its depravity when open. Executive influence upon legislation is wrong, dangerous, and subversive of freedom. It exists, but is now covert and dangerous; let us make it open, bold, and authoritative, and it will be innoxious.

If the mode were constitutional and it would dignify and purify the executive influence, I might vote for it. But I cannot see that because you increase the opportunities of executive contact with the Legislature you diminish the contagion and the fatal corruption as its consequence. Because you debar the Cabinet member from a vote, do you prevent his influence in the House? If you require open debate, do you stop secret intrigue? Did not Walpole debate and corrupt the House? Did not the younger Pitt defy Parliament even in debate, and coerce the Commons? The whipper-in on a division, the manager of the House, were not these incident to open and authorized discussion? The Government felt more interest in the result of the vote, because it had been called directly to the bar. It stopped at no means to secure its triumph. The threats of the third George again and again to leave the island and to place those under the royal ban who voted against his measures, was the accompaniment of the fiercest wrangles of Parliament and the most open arraignment of ministers. I admit that if the influence of the Executive is desirable in our legislation, it should be open, declared, and authorized, rather than secret, concealed, and unauthorized. But this resolution facilitates the secrecy and authorizes the influence which we deprecate and should prevent.

Fourthly: As to the information to be derived from the admission of the Cabinet, and the cases cited by the committee. Two objects are sought by this measure, say the committee: first, general debate; second, information from Cabinet officers. Both are included in the second specification. If the object were only information, we have the means provided already. Conferences by committees with the Departments furnish one medium. The citations appended to the report of the committee show that this is almost always a prerequisite to the maturing of measures. In the cases cited on pages 11, 12, 13, *et seq.*, of the report, the complaints were, not that the Departments would not furnish information or recommend measures, but that in those particular instances the information was not definite or the recommendation made in writing. But the debates in those cases show that such information and recommendation were easily obtained. In the cases of the legal tender and gold bills, the debate brought out the letters of the Secretary of the Treasury. In the case of the loan bill, the instance cited is most unfortunate as an argument for this measure. The appearance of the Secretary and Assistant Secretary of the Treasury upon the floor of the House had the effect of subverting the judgment of the House. The gentleman from Pennsylvania had moved that the interest of the bonds should be paid in currency. It was carried by twenty-one majority. When reported to the House, lo! it was defeated 59 to 81, a change of forty-two on a question as to which the House were informed of the facts, and as to which the executive officers only expressed their wish and opinion! What humiliation! No undue arguments were used. No bribe or corruption is charged. Simply their presence on the floor turned the heads of forty-two statesmen! If their casual visit and the expression of a wish without argumentation could work such wonders, what sort of a body would we become with the presence of the Cabinet here twice a week for information and at all times for debate and influence? The other instance cited is senatorial, on the bounty question.

The only trouble in that case was, that the chairman of the Military Committee had missed seeing the Secretary of War, and failed to possess himself of any authentic letter or recommendation of the Department. No one doubted but that he might have received the information. The point was, not that the recommendation was not made, but, as Senator CLARK said (page 17), the information had not been asked for, and, as Senator GRIMES said, there had been no action of the Administration on the subject, or at least no unity of action. Afterwards, the letter of Mr. Stanton was read, and the difficulty properly obviated. So far, then, as the Congress requires information and advice from the Departments, they can always obtain it, perhaps in over-abundance. If it come not in the graces of oratory, it will come in the more pithy, and, in this age, more useful, and, in this House, indispensable, form of writing and printing. If the ordinary reports of the Departments and the answers to resolutions of inquiry are not sufficient, will not these informal interviews of members and committees with the heads of Departments answer every purpose? If the object of the measure is information, we have the *media* now. If it be to influence action, that influence must be for good or evil. If for good, always and inevitably, Congress is utterly inconsequential and insignificant—a registering body, a contemptible and expensive nonentity, worse than the fifth wheel to a coach. For what, sir, is the need of Congress if all the recommendations of the Executive are to be invariably followed? Better dispense with all legislation, or make our system conform to that cited by the committee from Europe and South America, where, except in England (owing to peculiar circumstances hereafter considered), the Legislature is the tool of the ministry, as the ministry too often is the tool of the monarchy. If the Cabinet influence is generally good and only exceptionally vicious, we have the means already of reaching its valuable suggestions, and I do not propose to enlarge its sphere of evil. But if the influence of the Executive is generally evil, corrupting to both Cabinet and Congress, aggrandizing unduly one department of power to the detriment of another, and consequently to the derangement of our system, and if it is only occasionally good, then we are bound not only to prevent but to guard with extreme jealousy every attempt to encroach with such influence upon the province of the Legislature.

In the remarks which I have submitted, I meet the two propositions of the committee as elaborated by them: First, that Congress should avail itself of the best possible means of information in relation to measures; for do we not have at our command all that we could get by the presence of the Cabinet in the House? Second; as to the character of the influence of the Executive upon the Legislature; for have I not shown that this measure will not prevent its being secret, corruptive, or unauthorized?

Fifthly: A few words as to the argument *ab inconvenienti*. The committee somewhat anticipate this objection. They say (page 5) that "it has been said that the time of the Secretaries would be so engrossed that they could not attend to the discharge of their other duties. If this shall prove true, they must have more assistance." It is answer enough to appeal to members as to the condition of their own business now before the Departments. They are nearly all behind. We must have the ear of the heads of Departments; and if they are compelled to attend here, and

take part in debates, what time will they have, even with the aid of the assistants we have already given, to attend to Department business? But I leave to others the elaboration of this argument. I say nothing now about their appearance and speaking here delaying our own labor. That would appropriately come under the *argumentum ad misericordiam* [laughter], for it would be intolerably irksome to have their explanations and speeches here on all questions raised.

II. I might rest the argument here. But I believe this measure is fraught with great danger. It is a step toward the absorption of the power of Congress by the Executive, and therefore a step not to be countenanced either at this time or at any other time. On this head I consider its effect, first, on State rights. If, as I assume, this measure increases the executive influence and absorbs the legislative, it tends to aggrandize and consolidate power in the Federal Executive, and makes the array against the States much more formidable, and subtracts from them their proper influence in the economy of our Government. Some of the committee are looked upon as strong defenders of the reserved rights of the States. They look with apprehension on the encroachments of the Federal Government upon the ungranted domain of the States. It is for such that Judge Story's argument is emphatic, when he says that "the restrictions upon executive connection with the legislature, were founded in deference to State jealousy, and a sincere desire to obviate the fears, real or imaginary, that the General Government would obtain an undue preference over the State Governments." The gentleman from Vermont [Mr. MORRILL] has shown the views taken by the earlier statesmen, coinciding with this view of Judge Story. I need not recite them. The committee in their report seem not to have anticipated this argument. It is left for the disciples of Hamilton, like the gentleman from Vermont, to defend State rights. Surely, if you magnify and energize the Federal Executive by an unequal aggregation of powers in that office at the expense of the Congress, you begin the work of consolidation. You give to power new material, until upon the ruins of our old system of a just distribution of power, you erect a throne of paramount power whose sovereign occupant in his supremacy would rob the States of their rights to aggrandize his own splendor. This plan, therefore, tends to create the same laws, the same kind of dependence, consequently the same notions and the same interests, throughout all the country with its diverse interests; for the power it would strengthen is the Executive, which is not, like the Senate or the Congress, representative of States and localities, but in a sense more nearly representative of the people of the United States.

Second: The time is unfortunate for such a radical change as that proposed. Herein lies one of its dangers. It is a time of war. The Executive in such a time tends to enlarge its powers. This is not altogether avoidable. It then calls to its aid all the sophistry of necessity. It is the old Satanic plea. With an army of nearly a million, and a patronage of \$3,000,000 per diem, and with a corps of ambitious men—placemen and contractors—hanging about the chambers of power, desirous to placate the supreme will and to enjoy its favors, is it surprising that in time of war the dispensing power should grow colossal, overshadowing all other departments and absorbing all other sovereignties? Yet it is at such a

time, that the committee propose a measure which tends to increase the Executive. I know that the committee think that its effect will be otherwise, and give as a reason that power exercised openly in Congress will find its antagonism and barrier in honest deference to public opinion, and be restrained in its own disposition to increase. But is that the effect of the exercise of power by this Executive? In the face of a most earnest protest from every press and every public man who has not slavishly bowed to its behests simply because it was power; in spite of the protest of nearly two millions of people, the power of the President expands boldly, openly, and flagrantly. Patronage is more powerful than logic. Necessity crushes the free press and arrests free speech. Would the *habeas corpus* be abolished, all the restraints of personal freedom be annulled, and our prisons groan with victims, except in time of war? The power which, in time of peace, was a toy for a lady's hand, like the tent of the faerie, enlarges in time of war, so that great armies repose beneath its folds. When did the executive power in England most overshadow and defy public opinion? The Crown augmented when Pitt defied the people and their Parliament; then king and minister became absolute. The wise commentator, Thomas Erskine May (Constitutional History, volume 1, page 82), in drawing his picture of this era of English history, draws also a conclusion similar to the one which I now declare, when he says :

"A war is generally favorable to authority by bringing together the people and the Government in a common cause and combined exertions. The French war, notwithstanding its heavy burdens and numerous failures, was popular on account of the principles it was supposed to represent; and the vast expenditure, if it distressed the people, multiplied the patronage of the Crown, afforded a rich harvest for contractors, and made the fortunes of farmers and manufacturers by raising the price of every description of produce. The 'moneyed class' rallied round the war minister, bought seats in Parliament with their sudden gains, ranged themselves in a strong phalanx behind their leader, cheered his speeches, and voted for him on every division. Their zeal was rewarded with peerages, baronetcies, patronage, and all the good things which an inordinate expenditure enabled him to dispense. For years opposition in Parliament to a minister thus supported was an idle form; and if beyond its walls the voice of complaint was raised, the arm of the law was strong and swift to silence it. To oppose the minister had become high treason to the State."

To oppose the minister in open Parliament, in free debate, in time of war, when power found its antagonists and barriers, as it to-day finds them here, was accounted high treason! Yet, say the committee, the rules now recommended—now, in time of most gigantic war—are almost identical with those of the British House of Commons! Identical, sir, with a system which not only made war almost perpetual by filling the Legislature with placemen, pensioners, claqueurs, and contractors, rewarding them with peerages, baronetcies, patronage, and all the good things which come from an inordinate expenditure, but which made the opposition a mere form in the Legislature, and stifled it with oppression when raised outside of the Legislature! Is it to this system that the committee would assimilate our own Congress? God forbid!

Third: I now consider the dangers of the intimacy between the Executive and the Legislature. If even the rights of the States were safe, and even if this were a time of peace, still I would, as a Democrat, as a Republican, never allow the Executive to approach any nearer the Legislature than is entirely consistent with the movement of each in their own

well-defined circuit. As with nature, so with institutions. Of two plants in the vicinity of each other, the fruit of one will lose its peculiar flavor and be assimilated to the taste of the other, if that other have the stronger fiber and the richer nutriment. So in the stellar world, the lesser luminary will, unless restrained, fly toward the greater, to be by it absorbed.

The committee say that the framers of the Constitution did not intend to establish an absolute separation of the legislative and executive departments. This is true. The separation is not absolute; if it were, they could not subsist in the same system. But I affirm that they endeavored by every guard to allow just as little connection between the parts as would enable the Government in its entirety to perform its functions.

The committee instance the veto power to show that there is a connection between the law-making and law-executing departments. The argument proves too much. The veto of the President is the limit of the presidential interference, and its exercise is allowed only after the law is passed; and even then, after the Executive has exhausted his reasons for the veto, he may be overruled by a vote of two-thirds. If the Executive, by his agents of the Cabinet, exert his influence in the making of laws, where is the necessity for the veto? His veto is then an absurdity. So Judge Story regards it. The veto is the Executive arm for the defence of its own powers. The Legislature is presumed to have no desire to favor them. When laws are passed by a Legislature misled by a love of power, a spirit of faction, a political impulse, or a persuasive influence, local or sectional, which may not reach the Executive, he being the representative of the nation in the aggregate, then the veto has its use. Says Story, vol. i., page 82:

"He will have an opportunity soberly to examine the acts and resolutions passed by the Legislature, *not having partaken of the feelings or combinations which have procured their passage*, and thus to correct what will sometimes be wrong, from interference as well as design."

His responsibility is independent of Congress. To join his duties with law-making is to destroy his responsibility and derange the proper distribution of powers. Go one step further. Suppose a law of great value passed, then vetoed; nevertheless two-thirds of Congress favor it; but in come the Cabinet, and by threat, bribery, promises of patronage, and gifts of honor, the legislative will is subordinated: are not the people robbed of their fair right in the Legislature? Voting is not the only way of making laws. Voting presupposes influences. Voting is but the sign of what has been done. If these influences are reached by Cabinet cajolery or honeyed blandishments from the masters of patronage and fountains of honor, the influence is not less, but rather greater, than if the Cabinet had the right to vote. Indeed, some Governments which allow the ministry to have the *entrée* to the Legislature expressly and strangely forbid their presence when the vote comes off. This is the case in Brazil, Costa Rica, Portugal, and Spain. But what guard is there in such cases—for the influence is exerted generally before and not at the vote? Still, even these guards show the jealousy of the Legislature against the dominating influences of the Executive, even in such monarchical countries.

What then are the relations which the three departments of our Government sustain to each other? How are they intended to act in harmony? Mr. Madison has considered this matter in Nos. 47 and 48 of the *Federalist*. The distinctness and separation of the three departments is by him, as it was by Montesquieu, regarded as an essential precaution in favor of liberty. He was careful to show that the several departments of power were so distributed and blended in our system as at once to preserve symmetry and beauty of form, and to prevent any part of it from being exposed to the danger of being crushed by the disproportionate weight of other parts. He regarded the accumulation of powers, legislative, executive, and judicial, in the same hands, as the very essence of tyranny. Hence, if there be any approach toward such accumulation, my argument is that there is an approach toward tyranny. If there can be no liberty where the Legislature and Executive are one, is not liberty endangered when you absorb an essential function or feature of one by the other? Says Montesquieu :

"There can be no liberty when the legislative and executive powers are united in the same body or person, because apprehensions may arise lest the same monarch or senate may enact tyrannical laws to execute them in a tyrannical manner ; or were the power of judging joined with the legislative, the life and liberty of the subject would be exposed to arbitrary control, for the judge would then be legislator. Were it joined to the executive, the judge might have all the violence of the oppressor."

Mr. Madison draws from the several constitutions of the States as then existing, New Hampshire, Massachusetts, New York, Pennsylvania, Delaware, Maryland, Virginia, and others, to show that the several departments are inhibited from exercising the powers of either of the other departments. The language of these early constitutions yet remains in our present constitutions. Not a single State of this large Confederacy has ever in its constitutions so departed from the model of the Federal Legislature as to allow the membership of the Executive (Cushing, page 610), or of his aids in administration, or even their presence for debate or influence. Massachusetts early declared this fundamental article of liberty :

"That the legislative department shall never exercise the executive and judicial powers, or either of them ; the executive shall never exercise the legislative and judicial powers, or either of them ; the judicial shall never exercise the legislative and executive powers, or either of them."

The jealousy of uniting one department with another has been carried so far, that the departments have been only so far connected and blended as to give to each a constitutional control over the other. This is the degree of separation essential to a free Government. Allow this, and you will have no despotic Congress with its many heads ; no Congress dependent on one head ; you will have no irresponsible judiciary, and no arbitrary Executive. If the Executive can use his appliances at will upon a legislature, either by intrigue or debate, then the legislature becomes the executive tool ; and although its own powers may expand, yet if used by the Executive, the growth of legislative privilege is the increase of the executive prerogative. If it be proper to call the Cabinet to the lower House, why should not some portion of it be called to the Senate? Is it because the model of the British Constitution has carried away the committee?



If it be proper to call the Cabinet to the House, why not call in the President? We have no ministry as in England. The President is responsible, and he only. The Cabinet are but the ministers of his will. He can dismiss them at pleasure. They have no policy. If it be proper to call the Cabinet, why not the Commander-in-Chief? Why not summon General Grant to sit here, and to answer the inquiries of civilians in search of military news and strategy? Why not? For the reason that all military officers are kept without the Senate-house. Because they are the hands of the Executive, and liberty permits no brute force to overawe or dictate. If the commander of the army is the mailed hand of the Executive, is not the Secretary of State also his hand gloved in silk? Ah! Is there more danger from the iron hand than the silken glove? But if it be proper to call in the Cabinet, why not call in the Supreme Court, or its chief? Do the committee wish to copy the British precedent, where the law lords can advise, though they do not vote with the legislator? Why not then admit the Chief Justice? Ask him as to the legality of confiscation, legal tender, belligerency, and the new questions which this civil war is causing? The committee refer us, with a smile, no doubt, from its complaisant chairman [Mr. PENDLETON] to Hayti for our guidance. [Laughter.] That precedent was intended for the other side of the House. I accept it in all earnestness. In Hayti, the secretary of state and the grand judge are, by the constitution, the orators charged with representing the executive by oral communication to both houses. Why not send for Mr. Chase, along with Mr. Seward, and here let them struggle for the next Presidency before the people's Representatives?

III. The committee inform us that if the rules be defective, or limit too narrowly the right of debate, changes can hereafter be made. They take the British House of Commons for their model, and they assert that the "rules now recommended are almost identical." If that be the case, the changes should involve an entirely new system of accountability among the departments of our Government. Indeed, our form of Government would then need a radical change. Judge Story says (Commentaries, vol. i., page 392) that

"The whole structure of our Government is so entirely different, and the elements of which it is composed are so dissimilar from that of England, that no argument can be drawn from the practice of the latter to assist us in a just arrangement of the executive authority."

In England one branch of Parliament, the Commons, is ostensibly supreme. If not corrupted, or made dependent on the Crown by intimidation, it is the ruling power of the realm. Though the Crown may appoint the ministry, it is the Parliament which dethrones them by a vote of "want of confidence." There is no responsibility for any act of administration upon the Crown. The sanctity of the Crown forbids it to be wrong. Ministers are toppled over, but the throne remains; hence the real power over the Executive, if not corrupted, is in the Commons. The ministry is the fountain of honor and patronage in fact, though the Crown may be in name; hence the putrescent corruptions which have made the history of English legislation so infamous. Not so in this country. We have no ministry here, and no premier. The Cabinet have power and do advise the President, but he, and not Congress, can alone displace them.

Hence in our system the President has the power of the Crown and the ministry both, and is above the reach of the Commons or the Congress. In England the Queen only has the power to name the ministry ; the Parliament has the power to direct its policy and compel its resignation ; yet this measure would enhance the power of the President, making him not only monarch and ministry, but potential in the Legislature. Add to this his power to appoint judges, and the tendency is to unite all functions in one, which, as I have said, is the definition of tyranny. If the committee would then assimilate our practice with English rules, let them alter the Constitution, and require the Cabinet to be responsible to Congress, and the President and his Cabinet to *abdicate* when his policy is condemned. When you do this, do you not change the very essence of our Government? The President represents the aggregate people ; Congress represents States in the Senate, and the people of the States in the House. The President is elected for four years. We take him for better or for worse. We may have a Congress in opposition to his policy for four years ; and nothing we can do will prevent it, unless we, by usurpation and by a corrupt judiciary, intrench on his powers, or he, by intrigue, usurpation, or obsequious judges, is enabled to rob Congress of its powers. He may veto laws and appoint judges ; that is the limit of his control over the Legislature and the judiciary. If his agents approach the fountain, and there at its source endeavor to influence the making of law, does he not become an intermeddler? Whether he does this by his military force or his cunning management, it amounts to the same thing. Wisely, therefore, our fathers, looking at English history at a time when a corrupt and imbecile ministry were illustrating how easy it was for a stubborn king to rule a subservient Parliament by the presence of a pliant minister or a strong will, forbade the membership of the Administration in the House, and for a stronger reason should have forbidden their presence there. They saw, as an old writer says (Craftsman, No. 440), "the king and his council, by means of liveries and retainers, bring the whole kingdom to be of his livery ;" or, as Lord Bolingbroke said to Walpole, they made the Parliament like slaves in a galley, united by their chains and tugging the oar together at the sound of the ministerial whistle. Seeing this in England, as the very cause of their own troubles with the parent country, they were jealous of such influences here. They may not have distrusted the first Presidents ; but they would not allow an opportunity for the invasion of their own privileges or the public liberties. It was not the attack they feared from the first Executives which led them to keep the Administration aloof from the Legislature, but they would not allow the breach, however small, in the rampart, through which an attack at some time might be made.

This principle, together with the English practice, leads me, Mr. Speaker, to be jealous of our privileges and powers. Indeed, sir, I am not particularly enamored of any thing English now. I do not like English delight over our troubles ; English cannon when found in Fort Fisher ; English ships of war destroying our commerce under a hostile flag ; English recognition of belligerency. All that is admirable in the English manners, literature, and laws I love and cherish, but this system of the committee is neither admirable nor desirable.

If there is one feature in English history more marked than another, it is the constant conflict of centuries between the kingly prerogative and the parliamentary privilege. In the earlier times of the Plantagenets the motto obtained, that to be royal is to be loyal; the will of the king to be the will of the law: "*Que veut le roy, ce veut la loy.*" And although under the earlier kings, especially those most destitute of principle, the liberty of the people in the Parliament received its most efficacious support; although Magna Charta came in John's rule, and Habeas Corpus in the time of the second Charles, yet the royal prerogative was broken by its inordinate strain by such monarchs, and liberty gained. It was enough for the king to be the fountain of honor and patronage, of pardon and power, generalissimo of the army, and source of all foreign embassies and treaties. The Commons, therefore, in early times, united with the people and the nobility against the power of the Crown; and from having been called from boroughs and towns originally to provide only for the wants of the king (De Lolme, volume second, page 511), they became so powerful that ministers fell before their votes and voice. Upon their fiat hung the lives even of the ministers. The king himself was supposed by a fiction always to be present in Parliament, really or by representatives; and even he was made liable, on a memorable occasion, to the power of the Commons by impeachment and death. But at last the popular element by the Revolution of 1688 became paramount. At least then began the struggle, which, after great convulsions, fixed the Crown, through the ministers, as the instruments of and amenable to Parliament. But this cannot be so in this Government, for the simple reason that the Congress has no control over the Cabinet. The extent and duration of the Executive, as to time and power, is clearly defined in our written Constitution. Therefore no analogies can be drawn from English precedents, except those which show how power tends to increase in the Executive or ministry whenever it has the opportunity to use its appliances, or which show that the temptation to corruption is apt to be embraced when the object is near and the lure enticing. In illustrating this part of my argument, my only embarrassment is in the opulence of the illustrations from English history. I do not select a few cases because they are so glaring. Nor do I value in an argument a few exceptional cases; *non ego paucis offendar maculis*. From the very beginning of the English Government until now, laws were passed to regulate elections and prevent the kingly influence upon the Commons. In the time of the Lancaster kings such statutes were common. "What else," asks Bolingbroke (Craftsman, No. 440), "do all these resolutions, declarations, and acts mean from the time of Richard II. to these days, against the influence of the Crown on the elections or on the members of Parliament?" He answers by saying, that a prince may govern according to his arbitrary will, or that of his more arbitrary minister, as absolutely and much more securely *with* than without the concurrence of a Parliament. He can do this in two ways: either by the strain of his prerogative, or by the corruption of the Commons; and the instrument for both means, as shown by English history, has been an obsequious, audacious, or corrupt ministry sitting in Parliament. In the earlier eras of English history, the stretch of the prerogative was the means used to overawe Parliaments. Not alone by the threat upon mem-

bers, but by acts of imprisonment and decapitation; not alone by the threat but by the act of dishonor and sequestration, were the annals of Parliament sullied. In later times, after the Revolution of 1688, the civil list had increased, and with it the means of corruption; and not alone by indirect bribes in stocks, lotteries, pensions, places, and honors, but by a wanton lavishness of *douceurs*, directly given to members, the German princes on the English throne, and their ministers, controlled the Commons. This corruption extended then, as it does now, from the House to the hustings, from the Parliament to the people, until the English Parliament reeked, and in spite of all reform bills and bribery acts, yet reeks, with the astounding rottenness of its representatives and electors. The only reason why in earlier times, as in the sixteenth century, this same corruption did not exist, is given by Hallam (volume three, page 43), that there did not then exist the means of that splendid corruption which emulated the Crassi and Luculli of Rome. Whereas, in 1571, a member bought his seat for Westbury for £4; an election in York, in the eighteenth century, cost £150,000! The elections were controlled by the officers of the Government. It became necessary, to save the Constitution, to reform these abuses, and the English statute book groans with laws against placemen sitting in Parliament, against revenue officers having the right of suffrage, the disfranchisement of boroughs, and penalty on members for bribery. The Revolution of 1688 prevented the destruction of the English system; for it limited the prerogative. It declared against making kings independent of Parliament by prerogative, but it substituted therefor a system which made Parliament dependent on kings by corruption. Which was the easiest mode to destroy liberty, it is not for us to ask at a time when the executive influence not only has been exceeding its constitutional limit in this country, but when the means of corruption are as a thousand to one in this country compared with England. Indeed, in the time of Walpole it was contended that the Parliament should corruptly depend on the Crown, as the expedient to supply the want of power denied to the Crown by the Revolution. Even so good a moralist as Paley justified the use of patronage to influence Parliament.

In glancing at this history, I will arrange a few salient illustrations under these heads: first, the attempts by executive intimidation and power to overawe the Commons; second, by corruption of the people and of the Commons to create a dependency on their part upon the Crown.

First: Most of the valuable privileges enjoyed by the House of Commons is due, not to the presence of the ministry, nor to the monarchical part of the Constitution, but to the vigilant perseverance of the tribunes of the people in spite of all the threats and penalties of the Crown. As early as Edward III., it was customary to imprison members for freedom of speech; but this, like other grievances, was redressed in time, not because the ministry were present to aid, but because the Commons protested, and accompanied their protests with intimations that if their protests were not heeded, supplies to the king would be wanting. The first English Council was the Witenagemote. It lost its place in the government by the ambition of the monarch, who designed to make all his vassals, and none his equals, in the powers of the State. After the king began to need military service and taxation he called his Parliament, but used and disused

it at pleasure. It was slavishly submissive. When the Tudors ascended the throne, the contest began which has ended in this reign of Queen Victoria, in the subordination of nearly all executive power to the ministry, or the Parliament, which can overturn the ministry. Henry VIII. occasionally used his Parliaments, but used them through the personal interference of Cardinal Wolsey in the House of Commons (Smythe, vol. i., p. 345). His son, Edward VI., by the influence of a bad minister seeking control of Parliament, issued a proclamation to influence members of Parliament; a precedent followed afterward by Mary and by James I., and 'which in this country, if the Executive were more nearly connected with Congress, would follow every two years, and certainly every four years, especially in time of civil war.

Then followed Elizabeth's reign. Great men adorned her court; but around her crouched a submissive Parliament. Its members were her knights, and not her statesmen. She had her ministry subservient to her female caprices; and they "touched" her Parliament, and it bowed as to an Oriental princess. It is a relief to find, what we so rarely find in our own times among the Puritans here, that old Puritan parliamentarian, Peter Wentworth, standing out of this gloom by his conspicuous intrepidity; the forerunner of the Hampdens and Pym of a later day. When Elizabeth strove to stop legislation by the queen's pleasure, on religious matters, he spoke as follows:

"We are assembled to make, or abrogate, such laws as may be the chiefest surety, safe keeping, and enrichment of this noble realm of England. I do think it expedient to open the commodities (advantages) that grow to the prince and the whole State, by free speech used in this place."

This he proceeded to do on seven different grounds, and he concluded:

"That in this House, which is termed a place of free speech, there is nothing so necessary for the preservation of the Prince and State as free speech; and without this, it is a scorn and mockery to call it a Parliament-house, for in truth it is none, but a very school of flattery and dissimulation, and so a fit place to serve the devil and his angels in, and not to glorify God and benefit the Commonwealth."

The House it seems, out of a reverent regard to her Majesty's honor, stopped him before he had fully finished; and "he was sequestered the House for the said speech." Finally he was sent to prison; but we read of him, years afterwards, questioning with rare courage the dispensing power which lost James II. his crown, and should have lost Mr. Lincoln his election. It was true of this and subsequent reigns, as Dr. Burnet recorded, that he that would go about to debate her Majesty's prerogative, had "need walk warily."

The reign of the Stuarts is an era of conflicts, signalized by the State craft of the kings, and the protests of the Commons. The first Stuart, James I., had invaded even the House, sent some of its members to the Tower, and contemplated the beheading of others. He had even torn its proceedings from the journals. Prerogative went so far, that in the time of the first Charles no Parliament met for twelve years. Irregular levies of money and men, and the severities of the star chamber and high commission, drove the people to exile in America, and to despair of their liberties. These institutions were the subservient Parliaments of the time—all its members being the tools of tyranny. At last a minister proposed the ship

money tax. Hampden opposed; then came the reaction and the revolution. The Parliament conquered; only to be in turn driven from its place by the Protector, because its debates were disagreeable. When the restoration came, the "healing Parliament" met, and the king was its suitor, but not long a suitor. His ministers were in Parliament. The republican element was weeded out. It would have been worse, but that the profusion of Charles II. in his pleasures was so great that "no minister could find sums sufficient to buy a Parliament. He stood, therefore, on his prerogative strained as far as he durst, and made all the use of it he could." (Craftsman, No. 442.) He even depended on foreign gold to bribe his Parliament and pamper his mistresses. The House continued eighteen years, a large number of members practised on, and a large number notoriously bribed. When a new Parliament was called, its disposition was so sordid and the flatteries around the throne so detestable, that the English historian blushes as he records its slavish submission. Russell and Sidney shine out of this time only by the halo around their martyr brows. When Charles died, his brother James II. added to this corruption another strain of the prerogative, and a degree of bigotry which was wholly his own. The Parliament of his time had been managed, both at the election and when it met; and so successfully managed, that when James looked over the list of returns, he declared that there were not more than forty names which he could have wished not there. It sat a year. A few brave words from Coke of Derby, and he was sent to the Tower for undutiful reflection on the king. Then came another reaction. It was sudden, and the revolution of 1688 was accomplished.

Secondly: From that time, the influence of the Crown upon the Parliament has been most apparent and deleterious by their corrupt dependency on each other. One of the first grievances to be remedied by the new dynasty was the purification of the Commons. A place bill was brought in. By it all members of the House of Commons were incapacitated from holding places of trust and profit. This was the model of our constitutional clause. It was passed in Parliament finally, but rejected by the king's veto. Mr. Hallam (volume iii., page 187) says:

"The baneful system of rendering the Parliament subservient to the Administration, either by offices and pensions held at pleasure, or by more clandestine corruption, had not ceased with the house of Stuart. William, not long after his accession, fell into the worst part of this management, which it was difficult to prevent, and, according to the practice of Charles's reign, induced by secret bribes the leaders of parliamentary opposition to betray their cause on particular questions."

Secret service money was proved to have been used among members. Hallam enumerates the facts, and from them it will appear why, even after the place bill failed, a check was still put upon the number and quality of placemen in the lower House. The proper remedy then was the banishment, as our American ancestors provided, of all the servants of the Executive from the legislative councils of the nation. One thing, however, they did establish in 1694; the board of revenue were incapacitated from sitting in the House. In 1699 this law was extended. In 1700, by the act of settlement, all officers were excluded. In 1706 this law was repealed, and but for this repeal, England to-day would exclude

the Cabinet altogether ; but she preserved the principle and limited its extension. One provision she did establish, which to-day operates against an overwhelming influence of the ministry (Hallam, volume iii., page 191). Every member accepting an office must vacate, and a new election must be had. She excluded pensioners. These provisions, says De Lolme (volume i., page 476, &c.), originated from the continued corruption of Parliament. An "act of security," limiting the number of persons in office eligible to Parliament, was enacted. I refer to these precautions in favor of liberty now as the argument against the present measure. What was reasonable then, so long as human nature remains the same, is reasonable now. As De Lolme writes :

• "It is impossible to question the policy of these enactments. In truth, he who has tasted the sweets of dishonest and clandestine lucre would, in the words of the poet, be no more capable afterward of abstaining from it than a dog from his greasy offal."

Notwithstanding all these precautions, so long as the ministry remained in the Commons, corruption was paramount. In the time of Anne, in 1712, bills were again brought in still further limiting the number of officers of Government who could sit in Parliament. Fifty was proposed. Even that failed in the House of Lords. The principle of preserving the influence of the Crown unhappily prevailed. The same arguments now used for this bill were used then. The same indifference to personal probity and political integrity are observable. Well might Queen Anne, therefore, dissolve one of her Parliaments. It was her pleasure to admit of no debate. Out of this right arose the *golden dawn* of Walpole ! The forecast of the wise statesmen of England had been exerted in vain. In vain had place bills been again proposed ; in vain were elections contested for bribery ; in vain were motions to retrench pensions. George II. denounced all such bills as "villanous ;" and his ministry did not scruple to send Tories to the Tower for contumacious debate. A bishop declared that an independent House of Commons was as inconsistent as an independent king. Truly was it exemplified ; for the two powers became dependent on each other, made so by the golden mean of the minister who so long held his tainted sway. Doubtless Walpole had his amiable qualities. Some one says that he would have been held worthy of his high station had he never possessed it. The lines applied to him are well known :

"Seen him I have, but in his happier hour  
Of social converse, ill exchanged for power ;  
Seen him, uncumbered by the venal tribe,  
Smile without art, and win without a bribe."

Doubtless he used the arts of persuasion. His continuance in power is attributable not a little to this resource, but mostly to his mercenary management. He rose from personal merit. He managed the king as well as the Commons. Places, pensions, bribes, were profusely strewn along the aisles of St. Stephen's ; and though partially hidden from the eyes of contemporaries by the burning of the papers of the minister, yet as Smollett reveals (volume ii., page 311), the guilty minister quarrelling with a confederate, Mr. Stanhope, revealed their practice of selling places and reversions. A member standing up, said : "Since they had by mischance discovered their nakedness, the other members ought, according to

the custom of the East, to turn their backs upon them." In his History, Mr. May (page 300) says that the majority of the House of Commons was long retained in subjection to this minister by an organized system of corruption. This system was continued until the reign of George II. ; and Lord Bute secured the aid of Walpole's agent to keep up the management of the Commons during the early part of the reign of George III. The war with America never would have been undertaken or upheld but for the purchase of Parliament by Lord North. Shops were opened for members. Some years £41,000 of the secret service were used to purchase votes. Stock-jobbing and lotteries were substituted for direct bribes. Not until Mr. Pitt came into office was there a stop put to these infamies, and then only for a time. Contractors, nabobs, gold—these are the words upon which the changes were rung by Burke and others pleading for reform in the English Parliament. But Parliament strove in vain ; the age was corrupted by war and avarice ; it was a time

"When infamous Venality, grown bold,  
Wrote on its bosom, 'To be let or sold.'"

It was from this source that good men predicted the ruin of English liberty. Montesquien said : "*Il périra lorsque la puissance législative sera plus corrompue que l'exécutive.*" But for the lash of the press, gradually freeing itself from the toils of the time, and the public opinion which was enfranchised by the French Revolution, the admission of the public to the Commons, and the publicity of the debates, the English constitution would either have been destroyed, or revolution would have changed its features into something like our own. Of all the instruments of despotism a paid Parliament is the worst, just as the corruption of the best things are the worst. "Tyranny," said Sydney Smith, speaking of this time, "is worst where a majority of a popular assembly are hired, and a few bold and able men by their brave speeches make the people believe they are free." The secret influence of the Crown was at work through the influence of the younger Pitt all through the French wars, and was sapping by its corruption the foundation of English liberty. From that time till the last reform bill of 1860 efforts have been made to lessen the corruption and bribery of the English elections and Parliaments, but in vain. So long as men are moved by their interests, so long will places, honors, emoluments, contracts, and power feed the servile horde of mercenaries, who will buy, out of the labor of the oppressed and tax-ridden people, the very offices of legislation to prostitute them to power.

I do not detain the House with the specific modes by which the Crown or the ministry have ruled England through a subordinated Parliament. Sometimes they made the Speaker ; sometimes shut the opposition members in the Tower ; sometimes the king himself, as George III. at Portsmouth, interfered to secure the election of his friends ; sometimes the list of Court favorites was foisted in upon boroughs against the will of the people, as in Wilkes's case ; sometimes, as in the case of Colonels Barré and A'Court, officers were deprived of their commands for their votes in Parliament against taxing America. Lord Shelburne was dismissed from his office as aide-de-camp to his Majesty, Mr. Fitzherbert from the Board of Trade, and General Conway from his office of Groom of the Bedcham-



ber, for the same reason. James I. had committed Sir Edwin Sandys as Charles I. had committed Selden and others to prison, and the Georges had punished all prominent opponents so far as they could, for their conduct in Parliament. Everywhere in English politics do we find not only open but secret interior Cabinet influence at work to assail the Parliament and assist the monarch. Even the elder Pitt bowed so low to the king that he lost the dignity of his character in his obeisance, while he shed tears at the kindness of the king in making him Lord Chatham, which killed his influence. In the time of George III. the king staked his personal credit upon the success of his measures, and regarded opposition to his ministers as an act of dialoyalty, and their defeat as an affront to himself. (May, page 49.) During this reign, when England lost so much, Lord North supported the king against the aristocracy, the Parliament against the people, and the nation against the colonies. It was this influence which Mr. Burke called "the perennial spring of all prodigality and of all disorder; which loads us with millions of debt; which takes vigor from our arms, wisdom from our councils, and every shadow of authority and credit from the most venerable parts of our constitution." Complaints of this influence did not stop with the death or insanity of George III. England learned nothing. In the subsequent reign of George IV. Mr. Brougham denounced the same influences of the Crown. To it may justly be attributed the long discussions year after year as to reforms and Catholic emancipation, which in our system would never have been patiently listened to for a day. Upon the accession of Victoria the same jealousy was apparent. Sir Robert Peel would not take office or form a ministry until the ladies of the Queen's bedchamber were dismissed!

But why enumerate these disgraceful conflicts, happily unknown to our system? We have as yet no corrupt civil lists, no patronage to influence Congress directly, no placemen in Congress who, having bought their places, are ready to sell their votes; no letters of Washington, Adams, or Jackson are exhumed, like that of the English king, who wrote, "If the Duke requires some gold pills for the election, it would be wrong not to satisfy him;" no disgraceful traffic in boroughs; no "nabobs, commissaries, or West Indians" here to buy places with their shoddy wealth, and sell their votes for rank. But these may come. In these times, when wealth springs so suddenly from a hundred sources; when contractors, lobbies, speculators, stock-jobbers, and millionaires are making the abyss so wide between the rich and the poor; when even the lean old earth has become as round as an alderman, and as oozy of oil [laughter], may we not expect a mercenary Legislature who will follow the executive drum when it beats to quarters, even in this Hall? But is it answered that Congress, like Parliament, holds the power of impeachment and the purse strings? England, too, boasted of this for her Commons; but impeachment has been rare in England—only two cases since the Revolution, and these not of ministers, though their corruption has been notorious. The ministers protected themselves against impeachment by their preences and their patronage. In America we have had little corruption of the Cabinet, because there has been no contact with, or responsibility to Congress, and no occasion for impeachment.

But am I told that the Commons have a veto on the Crown by the vote

on supplies? There is not a case since the Revolution, or at least but one or two, where the Commons have failed to grant just what ministers have asked. (May, page 431.) They have acquiesced in all demands. Since they have controlled the finances, the expenditure has increased fifty-fold, and a stupendous national debt has arisen. The people have ground to complain of their stewardship, but the Crown and its ministers have not. It will be so here invariably when the heads of Departments are invited to our Halls. The subserviency will be greater, inasmuch as our expenditure is so unexampled, and the civil war has so aroused party feelings. When that time comes, we should so amend this measure, as it was suggested by Bolingbroke, in the time of Walpole, that all members, whose relatives have been preferred, or who have sold their votes, should be distinguished by some outward token, that the galleries might note them, as you may know a horse *to be sold* by colored ribbons on his bridle.

The committee would assimilate our system with that of England. Let them not be backward, but go to the full length of the precedent. An attempt was made to copy the English custom and to remove our desks some few years ago. It was tried, and failed. Why not, at the same time, have our Speaker dressed after the fashion of the English Speaker, in a silken gown and a horsehair wig? I would be willing to give my mileage in the next Congress [laughter] if you, Mr. Speaker, would be willing to be thus tricked out. [Laughter.] Why not also have our Sergeant-at-Arms, Doorkeepers, and assistants dressed in black tights and knee-buckles, sworded and belted with authority? Why not have the members sit with heads covered, except when rising to debate? (Barclay's Digest, page 78.) Why not introduce the peculiar exercises by which jubilant or impatient members are wont in the English Parliament to greet the speakers whom they like or dislike? Our rules, as collated by Mr. Barclay, or rather in the Manual of Jefferson (Barclay, page 75), seem to point to some such diversions which the committee have overlooked:

"Nevertheless, if a member finds that it is not the inclination of the House to hear him, and that, by conversation, or any other noise [laughter], they endeavor to drown his voice, it is the most prudent way to submit to the pleasure of the House and sit down; for it scarcely ever happens that they are guilty of this piece of ill manners [laughter] without sufficient reason."

The utility of such performances is apparent as a relief from the tedium of a Cabinet disquisition or a lecture from the throne through the Secretary of State. It is recorded in Cobbett's Parliamentary History, in Elizabeth's time, that when an arrogant ministry demanded subsidies of the Commons, an obsequious Sergeant Hyle said, "I marvel much that the House will stand upon granting a subsidy, when all we have is her Majesty's, at which the House hemmed, and laughed, and talked." So that there was in England a remedy against ministerial arrogance in the boisterous clamor of the Commons. This system has reached the highest refinement in these later days, when I have seen in Parliament scenes of indecorum that would utterly startle any one but a Disraeli or a Peel from his propriety. Dr. Warren, in that authentic record of Tittlebat Titmouse's exertions when elected to Parliament, has happily illustrated the English system. Titmouse, so long kept down by modesty, the twin sister of merit, brought into requisition some of his early accomplishments,

and attained a sudden distinction. He had been accustomed when a haberdasher's clerk to imitate the cries of cats, the squeaking of pigs, the braying of donkeys, the yelping of curs, and the crowing of cocks. [Laughter.] The biographer, in referring to these elements of his genius, says:

"He could imitate a bluebottle-fly buzzing about the window, and, lighting upon it, abruptly cease its little noise, and anon flying off again, as suddenly resume it; a chicken peering and picking its way cautiously among the growing cabbages; a cat at midnight on the moonlit tiles, pouring forth the sorrows of the heart on account of the absence of her inconstant mate; a cock, suddenly waking out of some horrid dream (it might be the nightmare), and, in the ecstasy of its fright, crowing as though it would split at once its throat and heart, alarming all mankind; a little cur yelping with mingled fear and rage, at the same time, as it were, advancing backward, in view of a fiendish tom-cat with high-curved back, flaming eyes, and spitting fury."

It was upon a certain night when the ministry had a pitched battle with the Opposition that the opportunity came for the display of these qualities. The debate waxed hot and personal. The leader of the Opposition was replying to a minister. It was as if my friend before me was excoriating the war minister for his arbitrary arrests. [Laughter.] Vehement and tumultuous cheers burst forth in answer to his eloquent denunciations. The ministry sat pale and anxious. Closing his recapitulation of points with frantic energy, he exclaimed:

"And now, sir, does the noble Lord opposite talk of *impeachment*? I ask him in the face of this House, and of the whole country, whose eyes are fixed upon it with anxiety and agitation, will he presume to repeat his threat, or will any one on his behalf? Sir, I pause for a reply."

And he did pause, several seconds elapsing in dead silence, when presently a most astounding and unprecedented sound of "cock-a-doodle-do-o-oo" [great laughter] issued, with inimitable fidelity of tone and manner, from immediately behind a noble Lord, who sprang from his seat as if he had been shot. Every one started. Thus a ministry was saved. [Laughter.] Political importance, never vouchsafed to eloquence, followed this timely expression. The member became famous. English parliamentary history received an example which our committee would do well to consider in the future perfection of this English system reported by them!

During the debate of yesterday, Mr. Speaker, I cannot but think that after the splendid speech of my friend from New York [Mr. BROOKS], in defence of his privilege, he had the right to crow his "cock-a-doodle-do-o-oo." [Laughter.] Or perhaps the gentleman from Illinois [Mr. INGERSOLL], after his spontaneous defence of General Grant [laughter], was entitled to practise the same art of statesmanship. [Laughter.] I might have called on the venerable member from Pennsylvania [Mr. STEVENS], after his good-natured reply [laughter] to my friend from New York [Mr. BROOKS], to give us an exulting crow over his success! Were I possessed of such an accomplishment, sir, I would use it to usher in, with the notes of chanticleer, a better dawn for our country! But, sir, these are arguments rather *ad absurdum*. Still, if we are to begin on the English model, where are we to stop?

Let the committee assimilate our system altogether with that of England. See how it will work practically without a change of the Constitution; without the Cabinet responsible to Congress; without their being

either elected when appointed, or resigning to be reëlected when they take office. Place them here in our midst! Make a ministerial bench across the way. Remove, as was done a few years ago, these desks, Allow the members to be seated as in St. Stephen's or in the new Houses on the Thames. Let me make the picture—a Cabinet picture for the committee. Of course the heads of committees should sit by the heads of Departments. My colleague [Mr. H. W. DAVIS] on the Foreign Affairs would occupy a seat by the side of Mr. Seward. The one represents Maximilian, the other Juarez, but no matter. Lovingly they sit. The chairman moves to impugn the statesmanship of the Foreign Secretary. The House sustain the committee. Mr. Seward complacently smiles at the *brutum fulmen*, and sends his minister to Mexico to recognize the empire! The Secretary of the Treasury is seated between the gentleman from Pennsylvania and the gentleman from Vermont. In comes the venerable Secretary of the Navy. Neptune with his grave beard and trident is not more solemn, rising from his saline couch. [Laughter.] The Secretary of the Interior! Around him gather the Indian, Land, and District Committees. The Attorney and Postmaster-General, both new as to the House, urbane and tremulous, yet confident that no mistake of theirs can be reached by Congressional action. The House is opened—then is solemnized by a transcendental prayer to the Inscrutable Essence whom it is our privilege to worship under the poetic piety of an accomplished chaplain. [Laughter.] The Journal is read! The Speaker raises his gavel, when a rumble, like the *temblor* which precedes the earthquake in volcanic regions, sounds through the corridors! All eyes are fixed upon the door! *Voilà!* The thundering Stanton comes! [Great laughter.] Upon his brow the very feature of Mars, to threaten and command! Room for the war minister! His flowing beard and spectacled face, so familiar to our eyes,

“ Assume the god; affect the nod,  
And seem to shake the spheres!” [Laughter.]

What to him are the princes of Begum, referred to yesterday in debate? What the princes of Lahore, with their Koh-i-noors? A whole casket of jewels lies in his glance; for is he not the dispenser of \$500,000,000 a year? [Laughter.] What to him is the civil list of George III., which the Speaker Norton told the king was great beyond example? Millions hang upon his smile, where only thousands hung upon the smiles of the proud monarchs of England! What to him are the satrapies of the Indies? Whole hecatombs of greenbacks daily are sacrificed by his order. In plain attire, but potential mood, he comes! Far off his coming shines; in form and seeming but a man, but in imagination like the angel of the pit, floating many a rood on the burning marl of war! About him herd thousands of slaughtered beef! [Laughter.] Around him throng millions of tons of forage, guns and wagons, horses and mules—an innumerable host, too great for the *contracted* mind of man; and from his brow hang bounties for millions, and honors for all! Before him fall, as before an oriental throne, the prostrate House. In vain the Speaker calls to order! In vain the Sergeant-at-Arms brandishes the mace. Our symbol falls before the golden wand of this magician of war! At length he,

too, deigns to sit. He is flanked by my military colleagues [Messrs. SCHENCK and GARFIELD], and the House is ready for the questions! Rare diversion here, Mr. Speaker! The record provided by the Clerk is produced. My colleague [Mr. SCHENCK], or rather my colleague [Mr. GARFIELD], with that sense of military skill and courage for which he is so distinguished, is the first to rise to inquire of the War minister, and not without embarrassment—and the House is breathless as he asks—what? Whether the blowing out of the bulkhead of the Dutch Gap canal by General Butler has seriously affected the backbone of the rebellion? [Laughter.] If ay, how many vertebrae are demolished, and, after conference with the Naval Committee, whether the canal, in case of a tempestuous sea, is navigable for double-enders, and whether they cannot go either way therein without turning round? [Laughter.] The gentleman from Illinois [Mr. WASHBURN] would call up the head of the Treasury, and ask whether it would be best to tax the whiskey drank in the last century, with a view to assist Legislatures of States to a patriotic choice of Senators [laughter], and if so, what amount should be levied on the spirits of '76? [Laughter.] The chairman of the Ways and Means—ever ready to defend his positions—would inquire, with the gravity of Pluto's iron countenance, whether it would not be wise to enact a law punishing with death all who might sell peanuts and putty on any other than a gold basis? [Laughter.] A chorus of voices would inquire whether the Treasury could not so interpret the five per cent. income tax as to relieve members recently defeated from all tax upon their mileage in the next Congress? [Laughter.] Then the venerable Secretary of the Navy would be put to his catechism. A member from Massachusetts would inquire what effect the payment of codfish bounties, as a nursery for our seamen, would have upon the navigation of the iron-clads! [Laughter.] I might be tempted myself to ask of the same venerable master of the trident whether the Abyssinians were used by Cleopatra in her naval service; if so, were they at the battle of the Nile; and "were they there all the while?" [Laughter.] If so, what Pompey thought of it? [Laughter.] But the gentleman from Vermont [Mr. MORRILL], ever alive to the interests of New England, would inquire triumphantly of Mr. Fessenden, whether the tariff should not be so amended as to increase the duty on dyestuffs and paper, so that, on a future issue of \$17,000,000,000 of greenbacks, the tariff will be prohibitory, the prices raised, and a satisfactory deficiency be produced in our revenues? [Laughter.] Or whether by raising the price of dyestuffs and paper the value of greenbacks in the market might not be made equal to the cost of their manufacture? [Laughter.] But what a stunning blow would be given by a Democratic member, who, rising solemnly, should inquire of the War Department what protection, in case of foreign war, is afforded by the manning of Forts Warren and Lafayette by their present loyal force; if so, how many are there at this time, how long have they been there, and with what prospect of relief? [Laughter.] I think my friend from Maryland [Mr. HARRIS] will ask that question. [Laughter.] Nor should the gentleman from Indiana [Mr. HOLMAN], the most useful member of this House, ever faithful to the soldier, be omitted from the programme. With what crushing results could he inquire of Mr. Stanton, what effect

our Democratic efforts here to increase the pay of the soldiers have had on the recent elections? And if not, why not? [Laughter.] Perhaps this, too, interests my colleague in front [Mr. PENDLETON], who took some interest in soldiers' pay and the last election. [Laughter.] Or, rising to the innocent sublime, the gentleman from Iowa [Mr. GRINNELL] should ask the Navy Department—

Mr. ELDRIDGE. What gentleman from Iowa does the gentleman mean?

Mr. COX. My pastoral friend.\* [Great laughter.]

Mr. GRINNELL arose and propounded a question, inaudible to Mr. Cox.

Mr. COX. I have no doubt the question put by the gentleman from Iowa is very appropriate, and that it should have been addressed to one of the Cabinet ministers, but I did not hear it. [Laughter.]

Mr. GRINNELL. I am opposed to the admission of Cabinet ministers.

Mr. COX. I know you are opposed to it; but if they should come in, you would probably be as anxious to ask a question of them as of me. You would naturally, perhaps, ask the Secretary of the Navy, Mr. Welles, whether or not the Argonautic expedition of Admiral Jason would have had any effect, in case the Golden Fleece had been captured in Australia, either on the gold market or the price of wool? [Laughter.] I present these fanciful questions as an *argumentum ad absurdum*. If such questions were put by the veterans of the House, what might we not expect from the awkward squad? [Laughter.] One thing only they are designed to show, that, ridiculous as they seem, they are not more ridiculous than the questions of the English parliamentarians, which are invariably laughed at or avoided.

These illustrations of the abuse of the legislative by the executive power are drawn from a country where the Government is parliamentary, and the responsibility ministerial. In our country the Government and responsibility are distributed between the Executive and the Legislature, and there is no such thing as a ministerial responsibility. The Executive is responsible to the people on the expiration of his term of office, and no responsibility exists to the people or to the Congress which can, before that time, remove him. But enough is shown to conclude that if the Executive by his Cabinet were in contact with the Legislature, the people would lose, through the aggressions of power and the persuasions of corruption, their share of the Government, and the Legislature, representative of their interests, would become the pliant instrument of the Executive. The democratic elements of our institutions would be expunged, and the power which in England reached Parliament and people to corrupt and enslave, would here be used for the same purpose.

The Executive here is not above the motives which have swayed men in high office in other times. There is a constant tendency in the Executive to enlarge its power. The princes of antiquity used to deify themselves. Even the English kings "surrounded their persons with the *jus divinum*." We find in democratic America a perpetual ascription of glory to power. Even in this House I have heard members say, "Adopt this policy, because our rulers have ordained it." Indeed, the committee in

\* Mr. Grinnell is a minister of the Gospel, and largely engaged in raising sheep.

this report have transfixed several members of this House on this point of passive obedience to the powers. (See page 15.) The gold bill and loan bill are the acts I refer to, and the gentlemen are from New York [Mr. MORRIS], from Massachusetts [Mr. HOOPER], and others. When the gentleman from Pennsylvania [Mr. STEVENS] spoke, he gave another voice. "I bow," he says, "to the opinion of the Secretary of the Treasury—if it is right." I might well believe that he would not fall into an unreasoning acquiescence with the judgment or wish of any Department. I read in the debates of the Pennsylvania Constitutional Convention in 1837, upon the dangers of Federal and Cabinet influences, that when Walter Forward sought to divorce his State from such dangerous and fatal connection and patronage, he [Mr. STEVENS] gave his earnest support to Mr. Forward. I reckon upon his vote against this measure, which has similar tendencies.

The report dwells upon the practice of other countries besides that of England. I will not seek to draw my lessons in legislation from France, or even Italy or Spain. We know what degree of liberty is allowed in those lands. I doubt if France has made any progress in her assemblies since the middle ages. It is related of the minister De Marigny, that wishing to gratify the king, Philip le Bel, in a levy of taxes, he called the Assembly of States. A great scaffold was erected; the king, lords, and bishops, took their places on it; and the Commons attended at its foot. The minister proposed an excise. The king, says an old chronicle, rose from his throne and advanced to the extremity of the scaffold that he might second by his *looks* the harangue of his treasurer, and see *who* refused and *who* consented. This is the idea of the committee. The Cabinet will be here, not to vote, but, by their looks, to second the demands of the President; and woe to him in all future who dares to vote against the Administration! The eyes of the Cabinet will be upon him. Bastiles, towers, imprisonments, may be powerless now to influence us; but who has not constituents of influence at home, anxious for the fat of contracts or the drippings of office?

Mr. Speaker, if I did not believe that this measure would tend to increase the power of the Executive at the expense of the Legislature, I would have remained silent. But, sir, in times like these I would be most careful of the purity of the Legislature. I believe that in these days of usurpation of power, when unheard-of claims and inexplicable conduct have marked the Executive career; when the power of Congress in foreign affairs has been denied for our Secretary of State at a distant court; when the laws we pass here are set aside by the minions of power, and when the State is afflicted with a civil war, and its incidents of expense, patronage, and increased authority, that then we should guard our portals as sacred from the intrusion of the ministers of that power which debauches. I must enter my negative to the opportunity for corruption. I do not forget the prayer that we be "not led into temptation." I base my opposition to this measure on the depravity of our nature. I remember that nations have fallen when their rulers yielded to the lures of the mercenary. Rome reared her grandeur by centuries of virtue, wisdom, and blood. When she lost her virtue she lost her grandeur and her power. Luxury favored corruption, and venality gave to the tongue of

her Juvenals the fiercest shafts of satire. When her magistrates were elected by bribes, the sentences of her judges were purchased, and the decrees of her Senate were sold, then her liberties fell, and the mistress of nations became the scorn and prey of the barbarian. Then she was ruled by a Claudius, a Nero, a Caligula, and a Narcissus; by ministers who were emancipated slaves, parasites to power, and panderers to rapacity. Shall such be the end of these, our terrible trials? Let us beware that we do not open the door to this mask of death, this saturnalia of hell. Whether such would be the result of this junction of the Legislature and the Executive, it is not for me to allege; but I would not open the breach, even if I were careless of the attack.

It is thought that this union of the Cabinet and Congress will elevate the standard of eloquence and statesmanship. England is pointed out as an example. The greatest efforts of oratory have been made against ministerial corruption and Executive aggrandizement even there; and now in England, where the system is in full operation, the forum cannot boast greater names than those who opposed these encroachments upon the popular assembly. Pym, Hampden, Wentworth, and Falkland in their great struggles with Charles; Pulteney, Wyndham, and Bolingbroke in their struggles against the corruptions of the time of Anne; Chatham thundering against George III. and his minister, and Fox echoing back his Demosthenic philippics against the son of the great Commoner; Burke with his splendid imagery; Erskine with his pure and earnest style; the finished precision of Wedderburn; the silver tongue of Murray; the gentle persuasiveness of Wilberforce; the splendor of Sheridan; the wisdom of Camden; the vigor of Lord Grenville; the epigram of Grattan; the brilliance of Canning; the substantial logic of Peel; the invective, pathos, and humor of O'Connell; the sparkling antithesis of Sheil; the masterly force of Lyndhurst, and the rushing vehemence of Brougham, all adorn the Parliamentary oratory of England, and would have adorned it still more had not the seductions of power often led them to degrade their genius, and forget their inspiration as the guardians of England's greatness and glory. It is, alas! too true, that their finest efforts were made either in the defence or prosecution of great crimes and wrongs. Need I show to this House how nobly our own Senate and this House have been graced by our own orators? Their like will never more be seen here, until the Executive with his minions and millions shall here creep into our free halls, and by his corrupting influences call forth the deep thunders and fierce lightnings of a nation's wrath, expressed in the noble fervor of the future tribunes of the people!

In conclusion, Mr. Speaker, I raise my warning voice, not so much against this measure, but using it as the occasion, against that truckling subserviency to the power of the Executive which will dethrone the people and make them fit tools for the corruption of an evil day. The exercise of arbitrary prerogatives may not be here enacted; no armed troops may enter here; no arrests may violate our privileges; but if they do not, the evil serpent of corruption may creep into our places and insinuate its cunning, and thus corrupt the integrity of the Legislature. Members may here fall victims to power, if not open and bold, secret and malevolent; and when that fall begins, where will it end except in the fall of our liber-



ties? Recollect that in civil wars moral obligations are torn asunder, the peaceful habits of life and thought are disturbed and destroyed, and other virtues not so compatible with liberty, but always compatible with licentiousness, alone survive. When we have progressed so far on the path of military renown that the nation will begin to regard its best defenders as its foes, and the enemy of its corruption as the enemy of its Constitution, then indeed will Liberty have lost its last refuge, perhaps even here in this Hall of the people; and though, like its devotee, Algernon Sidney, it may move with serene eye, untroubled pulse, and unabated resolve, from this its chosen forum, to the scaffold of its fate, we may yet mourn over its memory, or, disdainful of its executioner, soar away to some loftier code of justice and right, where freedom can be realized in the splendor of a better vision!

THE END.

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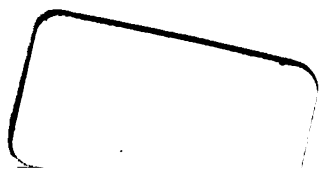






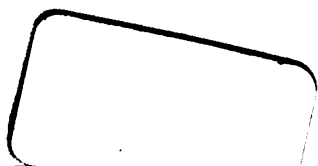


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